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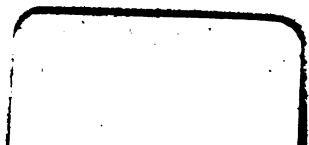
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HISTORY OF NEW SOUTH WALES

GOVERNOR PHILLIP

1783-1789

HISTORY
OF
NEW SOUTH WALES
FROM THE RECORDS

BY
G. B. BARTON
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW

VOL. I.—GOVERNOR PHILLIP
1783-1789

“Nor do I doubt but that this country will prove the most valuable acquisition Great Britain ever made.”—ARTHUR PHILLIP.

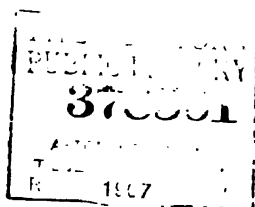


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PREFACE.

THE attainment by the colony of the Centennial period of its existence, appeared to the Government of New South Wales an appropriate occasion for the preparation, at the public cost, of a comprehensive history, embodying information obtainable from all known sources, and of such an authentic character as to form a reliable basis for the labours of the future historian. The duty of preparing this important work having been entrusted to me, it seemed necessary, in order to do justice to the valuable collection of records placed in my hands by the Government, to make them the groundwork of a narrative written on an essentially different plan from that of any previous one on the subject.*

In no account of the country yet published have the records relating to its early years been made use of, at any length. There is but one in which they are quoted or referred to†; but the plan on which it was written did not permit of extensive references to them, and consequently an occasional paragraph from the despatches furnishes the only indication of the mine beneath. At the same time, the exigency of space apparently required the author to condense the history of the colony to an extent which rendered any adequate treatment of the subject impossible. The narrative of events from 1787 to 1792—the term of Phillip's command—is compressed into some eighty pages. In three other well known works, not even a reference

* The collection comprises authentic copies of the records relating to New South Wales, preserved in the Public Record Office in London, and also in various departments of the State; the copies having been made under instructions from the Colonial Secretary (Sir Henry Parkes, G.C.M.G.) by Mr. James Bonwick, an experienced archivist, whose contributions to Australian history are well known in the colonies. It also includes original records in the office of the Colonial Secretary at Sydney; others lent by the Hon. Philip Gidley King, M.L.C., grandson of Governor King; and lastly, the valuable letters and other documents left by Sir Joseph Banks, which came into the possession of the present Lord Brabourne and were purchased from him by the Agent-General (Sir Saul Samuel, K.C.M.G.) on behalf of the Government.

† Rusden, *History of Australia*, 1883.

to the records can be found; and the narrow limits within which the writers moved may be seen from the fact that the period in question is disposed of in forty pages by one, in fifty by a second, and in less than seventy by a third.*

It is obvious that the events connected with the foundation of the colony, extending as they did over several years, cannot be satisfactorily treated on such a plan, in any work pretending to be historical. When a mass of material, more than enough in itself to form a volume, is condensed into a few pages, the result cannot be history in the proper sense of the term; it is, in fact, nothing more than elaborated almanac. For many reasons, the period in question might be termed the most important as well as the most interesting in our annals; and the records relating to it cannot fail to command attention wherever the history of an infant nation is regarded with interest—whether as a matter of national concern, or simply as a field for the development of novel theories in politics and sociology.

No one can read the letters and despatches written by Phillip without feeling the varied interest—human as well as historical—that attaches to them. Extending as they do over the whole period of his connection with the colony, they contain all the essential facts connected with its foundation and its years of infancy, when its life seemed so often trembling in the balance; but at the same time we have something more than the essential facts; for we find them everywhere interwoven with many little details of social life, as well as of Phillip's personal experience, which often, no doubt, fall far below "the dignity of history," but are much too valuable as well as interesting to be omitted. His despatches were written out from his journal, and consequently they possess the peculiar charm which makes all journals more or less attractive; great historical events and little personal matters being mixed up in the narrative just as they are in daily life. Many of the trifling details with which the reader will meet

* Lang, *Historical and Statistical Account of New South Wales*, 1834, vol. i, pp. 21-60; Flanagan, *History of New South Wales*, 1862, vol. i, pp. 21-71; Bennett, *History of Australian Discovery and Colonisation*, 1867, pp. 107-171. The fact mentioned in the text does not detract in any way from the merits of these works, which were all written with definite ends in view.

in these pages may perhaps lead him to ask—why : ld such trivial passages be printed in a history ? A little consideration, however, will show that they have their historical as well as their personal value. Even when we find Phillip repeating himself, as he often does, his repetitions are worth preserving, because they serve to show how his mind was working at the time, and in that way they reveal the character of the man as well as the circumstances by which he was surrounded. For similar reasons it has been thought proper to publish his written words exactly as he wrote them, without making any attempt to correct his spelling and grammar, or to smooth the rugged surface of his style.

The historical value of these records will be appreciated when it is remembered that no similar series exists in the case of any other country. If we turn for comparison to the history of the American colonies, the difference is as great as that between a landscape lying in the sunshine, and one dimly seen through the mists and clouds of winter. In the preface to a history of the province of New York, written in 1756, the author said—"Except some accounts of the settlements in Massachusetts Bay and Virginia, all the other histories of our plantations upon the continent are little else than collections of falsehoods, and worse than none." It is not quite clear from this passage whether the exception was intended to include the most famous of all the American chronicles—"the Generall Historie of Virginia, New England, and the Summer Isles, by Captain John Smith, sometymes Governour in those Countreyes, and Admirall of New England"; but it is certainly open to some such criticism. Captain Smith's work is the best specimen of a personal narrative of American colonisation which English literature can produce; and it is worth while to consider its literary character in order to appreciate our own good fortune in the matter of historical materials.* The reader can form a good estimate of the Captain's value as a chronicler from a passage in his dedication to the duchess of Richmond, in which he recounts some of the romantic passages in his life :—

The beauteous Lady Tragabigdanza, when I was a slave to the Turks, did all she could to secure me. When I overcame the Bashaw of Nalbrits

* Doyle, *The English in America*, pp. 554-8.

in Tartaria, the charitable Lady Callamata supplied my necessities. In the utmost of many extremities, that blessed Pokahontas, the great King's daughter of Virginia, oft saved my life. When I escaped the cruelty of pirates and most furious storms, a long time alone in a small boat at sea, and driven ashore in France, the good lady Madam Chanoyes bountifully assisted me.

Captain Phillip had not any such conquests as these to boast of; we do not know that he captivated a single princess among the sable tribes he met with in such numbers on these shores, and so far the tale he has to tell derives no charm from romance. No blessed Pokahontas figures in his story; but what it wants in point of sentiment is more than atoned for by its realistic pictures of the life around him. The American chronicler leaves his reader in doubt as to when he is relating plain facts and when he is merely filling up gaps with imaginary adventures. Phillip never leaves us in doubt as to any matter he deals with; although his language has neither point nor polish, it is minutely circumstantial and therefore free from suspicion—free, too, from the stilted phrasology of official correspondence.

Similar criticism might be applied to those of his contemporaries,—Collins, Hunter, King, Tench, and White—who wrote their journals from day to day during the first years of the settlement. The sketches left by these men, each of whom wrote from a different point of view, combine to make up a perfectly faithful picture of the great event in which they were concerned—a picture as accurate in every line as a photograph; for had the sketchers been using sunlight instead of ink for the scenes they described, their work could not have been more true to nature than it is. Where in the history of colonisation shall we look for equally faithful work on the part of chroniclers? In the records left by Phillip and his companions, the natural evolution of that complex organism which we call society may be studied as minutely as the naturalist examines the movements of an insect under a microscope. The rudimentary limbs and organs may be seen slowly developing themselves out of the embryo; struggling into existence, it is true, under the most unfavourable conditions, and frequently threatened with death

from inanition ; but still showing a native vigour which enabled them to survive the perils that surrounded them, and attain their full development in later years.

For the purpose of constitutional study in particular, the importance of such records as these cannot be overestimated. Every one who has sought to master the constitutional history of England knows how difficult it is to get any clear understanding of the origin of those institutions, legal and political, which make up what is called the English Constitution. It was not until the scholars of the present day made their laborious investigations among the records of the Saxon and the Norman period that the student was enabled to trace those institutions back through successive ages to their earliest forms ; to see, for instance, the right of trial by jury, of personal liberty, of parliamentary government, of free speech, and every other right valued by Englishmen, growing out of their rude surroundings as easily as he can follow the gradual developments of vertebrate life in the collections of a museum. Great as the difference is between a colony and its parent State, there is no absurdity in comparing the constitutional growth of one with that of the other. The lapse of a hundred years has given this country a history, and the peculiar circumstances under which it has grown to its present dimensions lend an unusual interest to the examination of its successive stages—from the small military camp under Governor Phillip, to the great group of colonies in the present day.*

The final section of this volume contains the Bibliography of Terra Australis, New Holland, and New South Wales to the year 1820, in which many historical references of some interest will be found, as well as a catalogue of all the various publications on the subject. “ Knowledge,” said Dr. Johnson, “ is of two kinds. We know a subject ourselves, or we know where we can find

* In the course of his letter to Lord Knutsford, of the 28th February, 1889—in which he discussed the relations between the Home Government and these colonies, with particular reference to the Commission and Instructions issued to their Governors,—Chief Justice Higinbotham, of Victoria, remarked : “ I have not seen a copy of an Australian Governor’s Commission and Instructions of an earlier date than 1850.” It is a curious fact that although Governor Phillip’s Commission and Instructions form the foundation of our political system, they have never been published until the present day.

information upon it. When we inquire into any subject, the first thing we have to do is to know what books have treated of it. This leads us to look at catalogues, and the backs of books in libraries." The force of this remark will be appreciated by every one who has paid any attention to the history of this country. To know what books have treated of it, from the earliest times to the present day, is an essential preliminary to the study; but hitherto the bibliography of the subject has been left almost untouched. The present attempt being the first of the kind that has been made here, the result cannot pretend to be complete; like the rest of the work, it has had to contend with very adverse conditions as regards time and materials. Before such a catalogue can be made, it would be necessary to search the public libraries of Holland, France, Spain, and Portugal, as well as those of England; because there can be no doubt that many publications relating to this part of the world—from the first indications of its existence down to recent periods—have appeared from time to time in those countries, of which at present we know nothing.

It is much to be wished that some effort should be made for the purpose of obtaining as complete a collection of those publications as can now be made; and also that the Dutch, French, Spanish, and Portuguese archives should be carefully searched for the purpose of procuring authentic copies of all State papers relating to this country. It is not until these materials shall have been obtained that we can hope to arrive at any satisfactory conclusions with respect to the only portion of our history that still remains buried in obscurity. By a remarkable fatality, almost every writer who has had to deal with the past ages of Australia has felt impelled to begin with an account of the early voyages of discovery—on much the same principle that historians of old used to commence with the creation of the world. To deal with the subject of discovery, in the darkness which still surrounds it, is hardly a less difficult task than that of the learned Burgomaster Witsen, when he undertook to write on the Migrations of Mankind. We have only to recall the various theories with respect to the question of

priority among the discoverers in order to see the existing state of confusion. There are at least five such theories still in existence: one sets up the Malays and the Chinese as the first discoverers; another the French; a third, the Portuguese; a fourth, the Spaniards; and a fifth, the Dutch. Each of these theories is supported by a great deal of argument and some evidence; but nothing seems to come of either but doubt and despair. To show how unsettled the question still remains, it is enough to mention that Major, in 1859, considered it highly probable that the Portuguese discovered the country between 1511 and 1529, and almost certain that they discovered it before 1542; but having found a mappemonde in the British Museum two years afterwards, he came to the conclusion that the country was positively discovered by the Portuguese in 1601—the Dutch being thus summarily dispossessed of an honour they had enjoyed for more than two centuries. Further researches enabled the lucky discoverer of the map to satisfy himself that it was “an abominable imposture,” and the laurel crown was thereupon handed back to the Dutch.* Unfortunately, however, the detection of the imposture escaped the notice of many who had read the account of the map—among them being the author of a valuable work on the History of Australian Exploration, in whose pages it appears as unquestioned evidence of “a Portuguese discovery of Australia immediately preceding the Dutch one.”† However interesting the point of priority may be, it is a matter of little importance compared with a reasonably accurate knowledge of the whole subject—for which we must wait until it is treated, like any other branch of inquiry, according to the critical methods of the present day.

* *Early Voyages to Terra Australis*, p. lxiv; *Archæologia*, vol. xxxviii, p. 438; *Prince Henry the Navigator*, p. 296 n.

† Favenc, *History of Australian Exploration* (Sydney, 1888), p. 21.

NOTE.

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G. B. B.

CONTENTS.

	Page
INDEX TO AUTHORITIES	xxi
AN INTRODUCTORY SKETCH	xxv

PART I.

Proposals for Colonising New South Wales	1
Transportation and Colonisation	12
Transportation to America	16
The Expedition to Botany Bay	21
Phillip's Commission	27
Preparations for the Expedition	34
A Vain Petition	54
The Fleet at Sea	60
England a Hundred Years ago	73
Sir Joseph Banks	78
Australia a Hundred Years ago	86
Phillip and his Work	94
Phillip and the Military	108
Phillip and the Natives	119
Phillip and Exploration	134
Exploration by Sea	170
Phillip and his Staff	179
The Courts of Law	211
Crime and Punishment in the Eighteenth Century	218
The Chronicles of Sydney Cove	242

PART II.

	Page
The Foundation of the Colony	261
First News from Botany Bay	361
Administration of Justice	389
The Civil and the Military	410

PART III.

James Maria Matra's Proposal	423
Sir George Young's Proposal	429
Heads of a Plan	432
Lord Sydney's Letters	435
Portuguese Convicts	439
The Depopulation Theory	440
History of Transportation to 1787	442
Order-in-Council	451
The Act of Parliament establishing the Colony	453
Cromwell's Prisoners	455
Transportation to America	456
Early Virginian Planters	458
Transportation to the West Indies	460
An Official Estimate of Transportation	461
Dr. Lang's Estimate	461
Statistics of Transportation	463
Warrants for Transportation to America	466
Contemporary Opinions	466
Sir Joseph Banks	471
Phillip's Commission	474
Phillip's Instructions	481

CONTENTS.

xvii

	Page
Governors' Commissions	487
The First Fleet	489
Burke on Transportation to Africa	491
Colonisation of Africa	494
Arthur Phillip	495
Letters from Sydney Cove	499
Deserted Colonies	514
From Pittwater to Sydney in 1789	518
Phillip's Staff	520
La Pérouse at Botany Bay	522
A Pathetic Letter	525
King's Commission as Lieutenant-Governor of Norfolk Island... ..	526
Phillip's Instructions to King	527
Judge-Advocate Collins	528
Letters Patent Constituting the Courts of Law	531
Letters Patent Constituting the Vice-Admiralty Court	537
Letters Patent Empowering Governor Phillip to Remit Sentences	542
Crime and Punishment in the Eighteenth Century	545
Visit of Hope to Sydney Cove	548
The American Loyalists	549
Live Stock	551
Native Food Supply	552
The Judge-Advocate's Opinion	555
An American Colonist on Transportation	556
Administration of the Colonies in 1787	559
Pitt's Ministry	561

BIBLIOGRAPHY OF TERRA AUSTRALIS, NEW HOLLAND, AND NEW SOUTH WALES	565
--	-----

ILLUSTRATIONS.

Nouvelle Hollande...	...	...	...	...	<i>to face page</i>	xxvii
The Londe of Java	...	...	...	...	...	xxxii
Terra Australis	...	...	...	...	<i>to face page</i>	xxxvi
Sir Joseph Banks	...	...	...	...	...	78
New Holland	...	...	...	...	...	93
Arthur Phillip	...	...	...	...	...	94
The First Exploration Chart	...	...	...	...	...	164
Philip Gidley King	...	...	...	...	...	186
The Governor's House at Rose Hill	...	...	...	...	...	199
Sydney Cove	...	...	...	...	...	252
The First Plan of Sydney...	...	...	...	...	...	298

INDEX OF AUTHORITIES.

	Page
Andrews, Eighteenth Century	220, 225
Annual Register	21, 221, 363, 466-7, 470
Bacon, Essays	lxi, 16
Bancroft, History of the United States	456-7
Banks, Sir Joseph, Papers	79-85, 96, 503-514
Bayle, Dictionary	93
Bennett, Gatherings of a Naturalist	72
Bennett, History of Australian Discovery and Colonisation	vi, 101
Bentham, Panopticon	320
Bigge, Report of the Commission of Inquiry	391-8
Blackstone, Commentaries	219, 226
Bligh, Voyage to the South Sea	171-2
Boswell's Life of Samuel Johnson, by Napier	liv, lxxviii, 224, 239
Breton, Excursions in New South Wales	122
Brosses, Histoire des Navigations	xxvii, xxxiv, lxxiii, 87, 90, 92, 440-1
Brougham, Lives of Philosophers and Statesmen	78, 382
Burke, Edmund, Speeches	233-7, 240, 241, 374, 491-4
Burke, Celebrated Naval and Military Trials	228
Burney, Voyages in the South Sea... ..	xxxiii, xxxiv, xxxvi, xxxvii, 91, 93, 515-7
Burton, State of Religion and Education in New South Wales	54-5
Callander, Terra Australis Cognita	xxv, xxix, xxxv, 92, 441
Child, New Discourse of Trade	440
Clarendon, History of the Rebellion	456
Clode, Military Forces of the Crown	202
Collins, Account of the Colony	71, 72, 97, 98, 101, 102, 104-6, 115-6, 124, 126 137-8, 142, 153-4, 170-2, 207-9, 210, 216, 220, 248, 251, 254-8, 262-9 271-4, 284-7, 291, 306, 312-3, 323-9, 339, 351, 374, 400-7, 464, 522-3
Colonial Office List	560-1
Colquhoun, Police of The Metropolis	464, 545
Cook, Captain: Voyages	28, 46, 50, 51, 64, 65, 78, 88, 90, 93 136, 162, 172-8, 329, 333-4, 344, 374
Cooper, History of the Rod	228, 231, 232
Cunningham, Two Years in New South Wales	345
Dalrymple, Historical Collection of Voyages	xxvii, xxviii, 87-8, 442
Dampier, Voyages	xxiv, xxvi, xxx, xxxv, 103, 131, 321, 364, 374
Darwin, Visit of Hope to Sydney Cove	299, 359, 548-9
De Foe, Moll Flanders	458-9
„ Colonel Jack	459

	Page
Dictionary of National Biography	471-4
Doyle, The English in America	vii
„ History of America	16, 489
Duff, Voyage of the	93
Echard, History of England	456
Edwards, History of the West Indies	17, 27
Encyclopædia Britannica	517
Eyre, Journals of Expeditions	132, 141-2, 146
Favenc, History of Australian Exploration	xi, xxxi
Federal and State Constitutions of the United States	487-9
Finlason, Martial Law	202-4
Flanagan, History of New South Wales	vi, 265
Flinders, Voyage to Terra Australis ... xxxii, lxxv, lxxxiv, 31, 86, 90, 170-4	
Forrest, Explorations in Australia	169
Furneau, Captain, Narrative	28, 174
Gentleman's Magazine	364-5, 376, 467
Goldsmith, Retaliation	384
Grenville Papers	384
Grey, Journals of Two Expeditions ... 126, 129, 131-3, 150-4, 291, 552-4	
Griffiths, Chronicles of Newgate	221-7, 239
Hakluyt Society, The Three Voyages of Martin Frobisher	xxxvii, 13
Hakluyt, Master	90
Hamilton, Voyage round the World	174
Hansard, New South Wales	265
Harris, Collection of Voyages	xxv
Hawkesworth, Voyages	xl-xliii, lxvii, 46, 64, 78, 329
Haydn, Dictionary of Dates... ..	232, 385
Hervey, Australia	xxxix
Helps, Spanish Conquest in America	386
History of New Holland	24, 29, 93, 442, 464
Hogarth, The Idle 'Prentice sent to Sea	220
„ „ executed at Tyburn	221
Holt, Memoirs	151, 399, 520, 530
Howard, State of the Prisons	222, 448
Hunter, Historical Journal	72, 98, 120-1, 124, 135, 141-6-9, 150 163, 182-3-7-9, 190-2, 200-2, 242-4 252-7, 267-9, 314, 342, 489, 518-9, 520
Jamaica, History of [anon]	17, 460
Jefferson, Works	19
Jesse, Memoirs of George the Third	2, 3
Johnston, Report of the Trial by Court-martial	215
Kelynge's Reports	16
Knight, London	223
Labilliere, Early History of Victoria	92
Landman, Adventures and Recollections	497-8-9
Lang, Historical Account of New South Wales	vi, 6, 180, 338, 331

INDEX OF AUTHORITIES.

xxiii

	Page
Lang, Transportation and Colonisation	461-2
Lecky, History of England in the Eighteenth Century...	77, 230
Lewis, Government of Dependencies	14, 15, 559
London Evening Post	220
„ Globe	32
Longman's School Geography for Australasia	lxxxiii
Lucas, Introduction to a Historical Geography of the British Colonies ...	26
Macintosh, Sir James, Speeches	240
Maiden, Description of some Sixteenth Century Maps	91
Major, Early Voyages to Terra Australis... ..	xi, xxxiv, 87
„ Archæologia	xi
„ Prince Henry the Navigator	xi
Malte Brun, Geographie Universelle	88
Mann, Present Picture of New South Wales	306, 345
Massey, Reign of George the Third	76
Merivale, Lectures on Colonisation	14
Mills, Colonial Constitutions	15, 560
Mitchell, Journals of an Expedition	131, 524
Monthly Review	375, 467
Mulhall, Dictionary of Statistics	387, 440
Mundy, Our Antipodes	132
McGregor, British America	372
Napier, Remarks on Military Law... ..	230, 231
New Monthly Magazine	474
North, Life of Lord Keeper Guildford	457-8
Notes and Queries	19, 93, 456
Paley, Moral and Political Philosophy	237-8
Parker, Voyage Round the World... ..	197-9, 200
Parkinson, Journal of a Voyage	172
Parliamentary Reports, House of Commons	409, 464
Parliamentary History of England... 23, 24, 59, 76, 224, 233-4, 370-5, 384-6, 491-2	
Payne, the Colonies	lxxii
Pennant, Outlines of the Globe	xxxiv
Pinkerton, Modern Geography	xxxiv
Péron, Voyage de Découvertes	31, 156-7, 271, 323, 359
Pérouse, Voyage	31, 136, 327
Phillip's Voyage	30, 66, 99, 102, 123, 139, 141, 170, 242-4 262-9, 273, 329, 336, 355, 464, 496-7
Pike, History of Crime	447
Purchas, His Pilgrimes	90
Rapin, History of England	456
Reid, Two Voyages to New South Wales	345
Roebuck, The Colonies of England	430A
Rogers, Social Life in Scotland	443
Romilly, Sir Samuel, Memoirs	59, 207, 217, 229, 235-6, 240
Royal Society, Philosophical Transactions of	340

	Page
Rusden, History of Australia	v, 522-3
Russell, English Government and Constitution	241
Sadeur, Jacques, Les Aventures de	92
Shaw, Zoology of New Holland	93
Smith, Captain John, The Generall Historie of Virginia	vii
Smith, History of New York	385, 488, 556-7-8
Smith, Wealth of Nations	440-1
Southey, History of Brazil	439
Stanhope, Life of Pitt	469
Statutes of the United Kingdom	15, 212-7, 390-9, 443-9, 450-5, 545-8, 556-9, 560
Statutes of New South Wales	390
Stephen, History of the Criminal Law	223
Story, Exposition of the Constitution	430A
Strzelecki, Physical Description of New South Wales	126
Sturt, Two Expeditions	88, 146
Suttor, Memoirs of Sir Joseph Banks	78
Tench, Narrative of the Expedition to Botany Bay	32, 95, 96, 98, 121, 153, 184, 191-8, 213, 243-6, 265-9, 274, 340, 354, 408, 522-5
,, Complete Account of the Settlement	120-6, 157, 163-6, 170-3, 208 210, 247-9, 250-1, 303-8, 312, 337, 341-5, 521-4
Tovey, Martial Law	202-3, 318
Tuckey, Account of a Voyage to establish a colony at Port Phillip	36
Tytler, Military Law	116-8, 215, 350, 408
Vancouver, Voyage of Discovery	141
Voltaire, Dialogues	440
Wentworth, Description of New South Wales	87, 90, 390-3-4, 601
West, History of Tasmania	102
White, Surgeon, Journal of a Voyage	68, 95, 99, 103, 107, 246-7, 264-5, 277, 290-1, 304-5, 322-3 n, 337-8, 582
Whitehall Evening Post	388
Whitworth, Gazetteer of New South Wales	163
Woods, History of the Discovery and Exploration of Australia ..	134, 254

AN INTRODUCTORY SKETCH.

AT the time when Cook sailed into Botany Bay in 1770 most Englishmen, it might be said, knew as much about New Holland as they did about the countries lying round the North Pole. They knew that there was a large tract of land to the south of New Guinea, which had been so far explored that its existence was an ascertained fact; but they knew very little more than that. The big folios in which all the known voyages and travels in different parts of the world had been collected by enterprising publishers from time to time—and which had for many years supplied the place of the old romances of chivalry among the reading public—told them very little about New Holland. The latest edition of Harris's collection of voyages (1764), gave them only the voyages of de Quiros, Pelsart, Tasman, and Dampier. Callander's collection, entitled *Terra Australis Cognita* (1766–8), contained those voyages and also a short historical summary of the Dutch explorations from 1616 to 1705. These portions of the collection were—like the rest of it—mere translations from a French original. By far the most popular publications on the subject were the various editions of Dampier. His *New Voyage Round the World* appeared in 1697, and his *Voyage to New Holland* in the year 1699 was published in 1703; each passing rapidly through several editions. How much they suited the taste of the age may be seen in a French translation published at Amsterdam in 1701–5, in four neat duodecimos—evidently intended for the ship's cabin as well as the library on shore. Dampier's popularity seems to have spread

over all Europe, and naturally, for up to that time no such tales of the sea had appeared in print. There was none of the romance about them which made the voyages of the great discoverers of the fifteenth and sixteenth centuries seem so marvellous; but they were distinguished from all other works of the kind by the author's power of observation and the graphic style of his narrative, which almost rivalled that of his contemporary De Foe.* Other navigators might have been as exact in their nautical and astronomical calculations, but they did not enter into competition with him in the art of story-telling—an art which lost none of its power from being clothed in the homely language of a sailor. So far as New Holland was concerned, his account of it became stereotyped in the memory of his countrymen; an unfortunate fact for the country itself, since the impression left behind was as unfavourable as it could well be. The land rose up before the reader's imagination in the shape of a barren, sandy region, "destitute of Water, except you make Wells," and of everything else that could make a new country attractive to either trader or traveller; inhabited, too, by a race of beings described as the lowest and most degraded type of mankind. Such were the ideas associated with every mention of New Holland, down to the time when the lieutenant in command of the *Endeavour* determined to explore its eastern coast on his way home from New Zealand.

It is not a very difficult task to identify the known geography of the country at that time; and it is well worth the trouble to do so, in order to get some clear idea of the opinions held by Cook and his companions on the subject. We have only to recall to mind the various works then in circulation, and to glance in imagination at the book-shelves in the cabins of the *Endeavour*. The little library on board, we may be sure, comprised every work of any value to the geographer and naturalist in the South Sea. First on

* Dampier's account of the Mosquito Indian who had been left ashore at Juan Fernandez in 1681, looks like the first rough sketch of Robinson Crusoe. It is worth while to compare his description, which will be found in his *Voyage round the World*, vol. i, pp. 84-92, ed. 1729, with De Foe's. The story of Alexander Selkirk appeared in Captain Woodes Rogers's *Voyage Round the World* (1712), p. 124.

the list we may place the two quartos published by de Brosse in 1756, containing a complete collection of all the known voyages to the South Lands—(p. 575) ; the first volume of which contained the Dutch voyages *en Australasie*, with a chapter (xxvi) on the Dutch discoveries in New Holland. The charts published with each volume showed the position and extent of *Nouvelle Hollande* as it was then known, and were no doubt consulted with peculiar interest as the Endeavour neared its eastern coast. When he was leaving it in September, 1770, Cook mentioned them in his journal :—"The charts with which I compared such parts of this coast as I visited, are bound up with a French work entitled *Histoire des Navigations aux Terres Australes*, which was published in 1756, and I found them tolerably exact." Looking at one of these charts, we observe that there is nothing to indicate the existence of the straits between the mainland and Van Diemen's Land; but the passage now known as Torres Straits is distinctly shown, although in the text the author repeatedly expresses a doubt whether the mainland touched New Guinea or not.

Why this doubt should have been expressed by de Brosse when the position of the straits is shown so clearly in his charts, is a question not easily answered. The discovery of the fact that Torres had sailed through the straits in 1606 is attributed to Dalrymple, who made it known to the world in his *Account of the Discoveries in the South Pacific Ocean* previous to 1764, published in 1767—a work which we may safely assume had its place in the Endeavour's library—(p. 576). Flinders states in his introduction that "the existence of such a strait was generally unknown until 1770, when it was again discovered and passed by our great circumnavigator, Captain Cook." In making this statement, he seems to have repeated a remark made in the introduction (p. xvi) to Cook's *Third Voyage*, where the reader is told that "though the great sagacity and extensive reading of Mr. Dalrymple had discovered some traces of such a passage having been found before, yet those traces were so obscure and so little known in the present age that," among other things, "the President de Brosse had not been able to satisfy himself

about them.”* But unless he had satisfied himself on the subject, why did he construct his maps of New Holland and New Guinea in such a manner as to show the straits? This is one of the many little puzzles connected with Australian geography of the last century which deserve the attention of those who are interested in it. The only answer to the question seems to be that de Brosses looked upon New Holland as an island, probably considering that fact established; but not having seen the Relation written by Torres of his passage through the straits, he thought that there was just room for a doubt on the subject. Nothing was known about Tasman’s second voyage in his time.

Dalrymple’s Historical Collection of Voyages and Discoveries in the South Pacific Ocean was another work of great authority at the time it was published—1770. It contained a chart of the South Pacific, “pointing out the discoveries made therein previous to 1764,” which showed Torres’ track in 1606 through the straits. The work made its appearance too late to form part of the Endeavour’s library; but its influence on the geographical speculation of the age may be seen at a glance if we compare the introduction and the chapter entitled “Investigation of what may be farther expected in the South Sea,” with the introduction to Cook’s Voyage towards the South Pole. Dalrymple was an enthusiast on this subject, but he was not entitled to any credit for originality in his speculations; he merely revived the old theory of the southern continent, but he did it with so much force of argument and illustration that an expedition to determine the question was a natural result. It was perhaps unfortunate for us that his work was not published before the Endeavour sailed; because we may be allowed to suppose that if Cook had had an opportunity of reading it, his attention would have been directed to the name AUSTRALIA, from its frequent appearance in capital letters—suggesting the idea that the author intended to

* Cook stated in 1776 that “Torres seems to have been the first who sailed between New Holland and New Guinea”—Voyage towards the South Pole, introduction, p. xii; but he made no reference to him when he gave the name Endeavour Straights to the passage between the Prince of Wales’s Islands and the mainland in 1770; Hawkesworth, vol. iii, p. 619.

point it out as the proper name for the country. By such an accident, the land discovered by Cook might, peradventure, have escaped the unsatisfactory name it has since borne.

Callander's translation of de Brosses appeared in 1766-68—(p. 576); the second and third volumes being published only two months before the *Endeavour* sailed; but we may take it for granted that they were not left behind. The three volumes had the advantage of being published in a handy form; but the literary execution was slovenly, and it is manifest that Callander was not a geographer of much discrimination. He published two charts, reproductions from the French work, the larger one showing the outlines of New Holland and the discoveries of de Quiros. Let us suppose that, as soon as the *Endeavour* was steered westward from Cape Farewell in New Zealand, Cook and his companions read the following account of the country they were about to explore:—

New Holland is that vast region which extends from the sixth to the 34th degree of south latitude, and from longitude 124 degrees to 187. To the north it has the *Molucca* islands, or the sea of *Lanchidol*. To the west and south the *Indian Ocean*, and the *Pacific* to the east. But, in this immense stretch of land, we are acquainted only with some parts of the coast lying separated from each other, without being able to affirm whether they compose one continent or (as it is more likely) they are large islands separated from each other by canals or arms of the sea, the narrowest of which have been supposed by navigators to be the mouths of rivers. Neither are we yet assured if *New Holland* joins *New Guinea* on the north, or *Van Diemen's Land* to the south. *Tasman* has verified by his course that *New Zealand*, lying to the south-east, is totally separated by the sea from the continents and islands that lie nearer the equator.

The principal countries of *New Holland* we are as yet acquainted with are, *Carpentaria* to the north-east, the coast of which, forming a great bay, faces to the west. At the entry of this bay are the *Molucca* islands; to the north lie the lands of *Arnheim* and *Diemen*, which last is different from the *Diemen* of *Abel Tasman*. To the north-west lies the land of *De Witte*. Towards the west lie *Endracht* or *Concordia*, *Edels*, and *Lewin*. This last occupies the point which lies south-west. To the south lies the land of *Peter Nuytz*, and further south, but

trending eastwards, the land of *Diemen*, if indeed this last should be comprehended under the division we are now describing.

In running along the east coast of this country, back towards the Equator, we find the *Terra Australis del Espiritu Santo*, discovered by Quiros. But all this vast interval, lying behind *Lewin* and *Quiros'* discovery, is so little known that we cannot tell what part of it is land and what is sea. This tract extends from latitude 43 degrees south to latitude 19 degrees, and has not hitherto been visited, at least as far as we know.

The last paragraph shows that Callander, following de Brosse, imagined that the land discovered by de Quiros formed part of the mainland, as shown on the chart. But this error was detected by Cook before he passed out of the reefs into the open sea. How correctly he had judged the matter may be seen from his statement on the 13th August, 1770, when he wrote :—

The islands which were discovered by Quiros, and called *Australia del Espiritu Santo*, lie in this parallel ; but how far to the eastward cannot now be ascertained : in most charts they are placed in the same longitude with this country which, as appears by the account of his voyage that has been published, he never saw ; for that places his discoveries no less than two and twenty degrees to the eastward of it.*

It is worth while to remember that Dampier intended, in 1699, to begin his discoveries “upon the Eastern and least known Side of the *Terra Australis*.” He did not carry out that intention because he was afraid of “compassing the South of America in a very high Latitude in the depth of the Winter there” ; and also for another reason which he stated in these words—

For should it be ask'd why at my first making that Shore, I did not coast it to the Southward, and that way try to get round to the East of *New Holland* and *New Guinea* ; I confess I was not for spending my Time more than was necessary in the higher Latitudes ; as knowing that the Land there could not be so well worth the discovering, as the Parts that lay nearer the Line, and more directly under the Sun.†

* Hawkesworth, vol. iii, pp. 602-3.

† Voyage to New Holland, vol. iii, pp. 124-5, ed. 1729.

It is necessary here to clear away a very prevalent misapprehension with respect to the land known to geography as Terra Australis, or Terra Australis Incognita. It has been supposed by many writers that the southern continent which formed the main object of Cook's first voyage was identical with the country then known as New Holland. The great discovery that he had in view had nothing to do with that part of the world. His object was to settle the question—about which the geographers were still uncertain—whether the southern continent, classically termed the Terra Australis, really existed or not. As he put it in the introduction to his Second Voyage, he had to determine “whether the unexplored part of the southern hemisphere be only an immense mass of water, or contain another continent.” The geographers were not at all curious about the precise position and extent of New Holland; in fact they had not manifested any curiosity about it at all; but the question of the unknown continent was the most important problem in their science at that time.

The common misconception on this subject may perhaps be traced to a mistaken construction of the word *Terra*. As used by the old geographers, it evidently meant a continent as distinguished from an island. When, for instance, the Spaniards passed from Hispaniola to the mainland, they called it the *Tierra firme*, to distinguish it from the islands. So, too, when the geographers gave the name Terra Australis Incognita to the undiscovered land in the south, they were thinking of a vast continent stretching from east to west through the South Pacific, and running round the South Pole. The land discovered by the Dutch—which they afterwards called *Hollandia Nova* in their charts and *Nieuw Holland* in their conversation—was always supposed to be either one island or several islands separated by straits. In the sixteenth century, it was described on the map drawn by John Rotz (1542) as The Londe of Java; the idea being

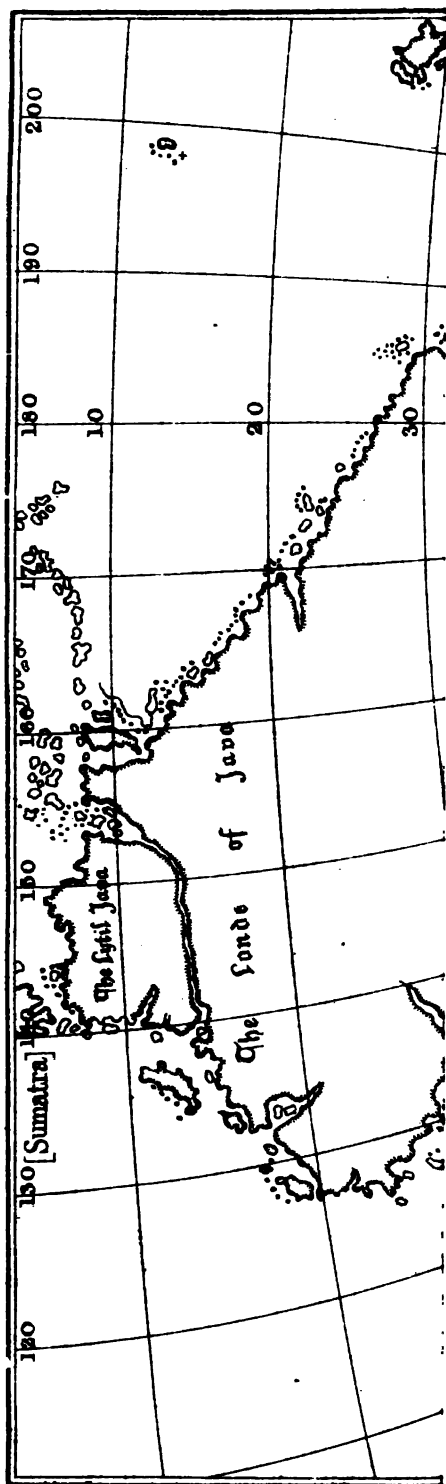
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There is nothing to prove that the chart referred to by Thevenot was authentic ; or that it was designed by geographers ; or that it was in any other way entitled to be considered an authority. There is room for doubt on all these points. Burney tells us that Sir Joseph Banks, during his stay at Amsterdam in 1773, "was at much pains in making enquiry concerning the Stadt House map ; but he could obtain no proof of the work having been visible within the memory of man."* If no one in Amsterdam had ever heard of it at that time, there can be no certainty that it ever existed, seeing that national records are usually preserved with some care. The idea that the Dutch called the undiscovered portion of the country *Terra Australis*, as stated by Flinders, is disposed of by Burney's description of the map :—"Eastward on the same land, but without defined limits, is inserted the name *Terre Australe*, which, being in the French language, was probably an explanatory addition introduced by M. Thevenot himself."

Let us now consider the evidence on the other side. In the first place, there is the striking fact that Cook does not speak of the country as *Terra Australis*, but as *New Holland*. When considering his route after having explored *New Zealand*, he said :—"It was therefore resolved that we should return by the West Indies, and that with this view we should, upon leaving the coast [of *New Zealand*] steer westward till we should fall in with the east coast of *New Holland*." There can be no doubt that Cook had carefully studied all the published voyages of discovery in the South Pacific ; while the fact that he determined to explore the east coast of *New Holland* shows that the geography of that country had attracted his attention. Why then should he speak of it as *New Holland*, if *Terra Australis* was not only "the original name," but the one by which it continued to be known in his own time ?

In the second place, we have only to consult the authorities of his day to see that he used the name which every one else used. In the charts published by Dalrymple and Callander, it was named *New Holland* ; and in those of de Brosses, it was marked

* *Voyages in the South Sea*, vol. iii, p. 182.

Nouvelle Hollande. The name was continued by later geographers. Pennant's *Outlines of the Globe* (1800), and Pinkerton's *Modern Geography* (1802)—pp. 590–1, were the principal works of the kind at that time; and in each the country was described as New Holland.

In the third place, the name *Terra Australis* was not used in the instructions given to Tasman, nor in any of the extracts from the Dutch archives and publications collected by Major*—from which it may be inferred that the Dutch geographers did not at any time apply that name to the country in question. It is singular that an author of the present day, having this fact before him in his own pages, should nevertheless have followed the example set by Flinders in adopting a misleading title for his work. The inaccuracy may be compared with another in p. lxxiii of the same treatise, where it is said that “Quiros came to a land which he named *Australia del Espiritu Santo*”; the name actually given being—*la Australia del Espiritu Santo*. Burney pointed out in 1813 that the Dutch did not apply the name *Terra Australis* to their discoveries:—“Throughout the instructions to Tasman for his second voyage, the *Terra Australis* is called the *Groote Zuid-land*, or *On-bekende Zuid-land*, i.e., the Great or the Unknown South Land.”† But Burney did not see the absurdity of his calling the country *Terra Australis*, when the men who had made its exploration their business for at least a century never did so.

In the fourth place, the French geographers, whose opinions are entitled to very great weight, appear to have uniformly observed the Dutch practice in this matter; that is, in not confounding New Holland with *Terra Australis*. It is evident from the work of de Brosses that when he spoke of the *Terres Australes*, he meant nothing more than the lands discovered in the South Seas. He drew a clear line of distinction between the unknown continent and the discoveries in New Holland, New Guinea, and New Zealand, of which he says (tom. i, p. 16)—

* *Early Voyages to Terra Australis*, pp. 43–98, 112–133, 165–189; post, p. 572.

† *Voyages in the South Sea*, vol. iii, p. 181.

ce n'est peut-être pas un seul continent. Il y a toute apparence que ces grandes contrées sont isolées par plusieurs détroits inconnus. Although this passage is correctly translated by Callander (vol. i, p. 10), he interpolates nearly six pages (pp. 43–48) in the text of de Brosses for the purpose of developing his own ideas on the subject; beginning with the contradictory statement that “New Guinea, Carpentaria, New Holland, Diemen’s Land, and the country discovered by Quiros, make all one great continent, from which New Zealand seems to be separated by a strait.”

Callander’s title may be largely responsible for the confusion of ideas which misled Burney and Flinders, as well as others; although the name *Terra Australis* was applied to this country in many publications before his time. Dampier, for instance, in his *New Voyage Round the World*, spoke of it as—“New Holland, a part of *Terra Australis Incognita*.” But he, too, thought that New Holland was an island:—“I found that other parts of this great Tract of *Terra Australis*, which had hitherto been represented as the Shore of a Continent, were certainly Islands; and ’tis probably the same with *New Holland*.”*

The fact that he believed the country to be an island at the same time that he spoke of it as part of the unknown continent, shows how unsettled his opinion was about it. At the time he wrote, there was nothing but uncertainty on the subject; Tasman’s second voyage had not been made known to the world; and even the hydrographers of a much later period had not succeeded in getting any accurate ideas. In the introduction to his *Collection of Voyages in the South Pacific*, published by Dalrymple in 1770—two years after Cook set sail on his voyage in the *Endeavour*—he gave it as his opinion, based on a long-continued study of the subject, that “it is more than probable that another continent will be there found [in the South Pacific], extending from 30° south towards the pole.” He believed, too, that the continent in question had “been seen on the west side by Tasman in 1642, and on the east by Juan Fernandes above half a century before, and by others after him, in different

* *Voyage to New Holland*, vol. iii, p. 126, ed. 1720.

latitudes from 64° to 40° south." These confided, proved to be nothing more than imagination; and it was the question raised by them that Cook was sent at last into the South Pacific.

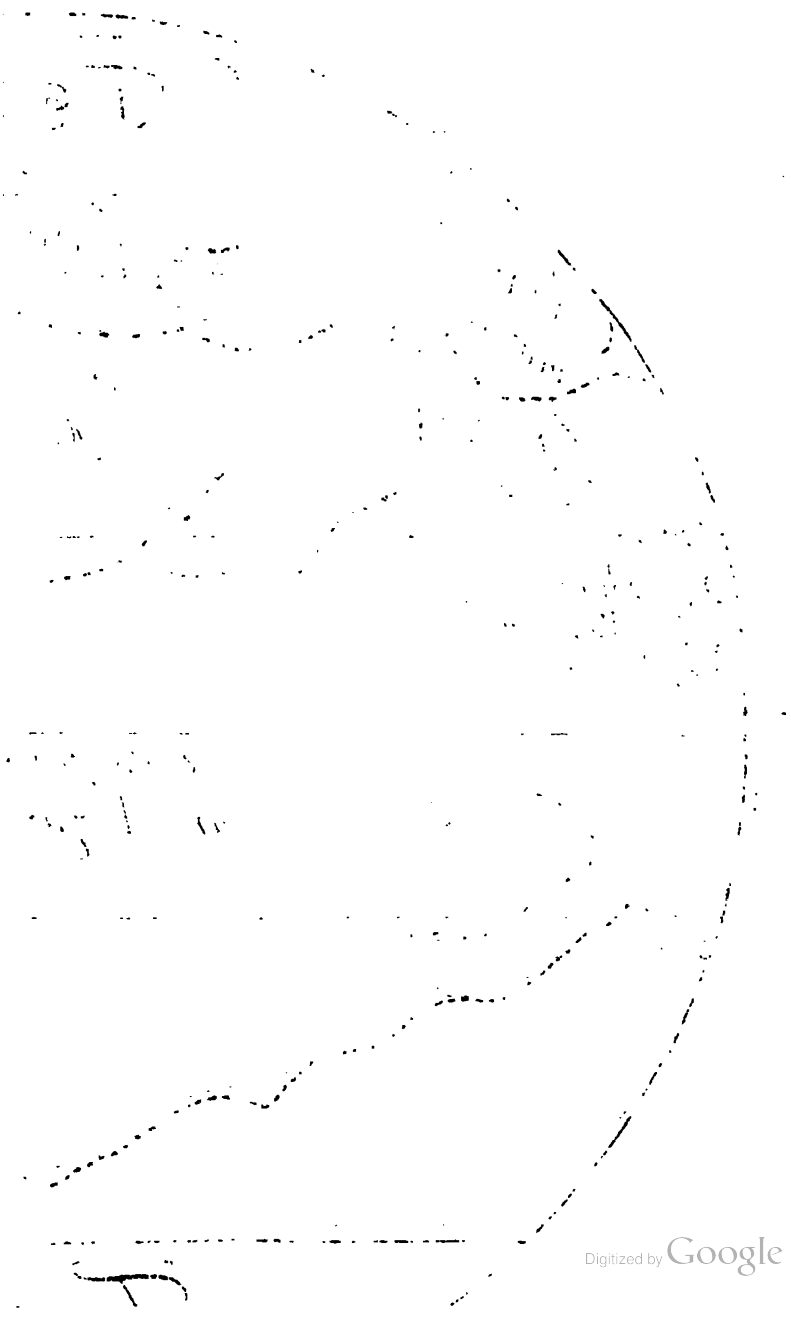
While there is no doubt that the name *Terra Australis* sometimes applied to the discovered portions of the world two centuries ago, there was no more reason for giving it to them than there would have been for giving it to the Hebrides or Juan Fernandez. A chart of the islands discovered in the South Sea to the year 1620, published in Burney's collection of Voyages, shows an outline of the north-western part marked "Part of the Great Terra Australis"; and speaking of the discoveries of de Quiros, he said:—"The *Australia del del Santo* was long supposed to be part of the Great Terra Australis, and in some charts of so recent a date as the middle of the eighteenth century, the two lands are drawn joined." He refers to the charts published by de Brosses, which were drawn by a geographer in ordinary to the King of France—a title conferred by letters patent as a reward for distinguished services. French cartographers were celebrated for their charts and maps even in the earliest years of their art.

To understand exactly what the old geographers had in their minds when they wrote about *Terra Australis*, we must go back at least three centuries, when the theory of its existence was in high favour among them. What they thought about it may be seen in the map of the world published with the account of Frobisher's voyages in the year 1578, and the description of the country given by the writer:—

Terra Australis seemeth to be a great firme land, lying under about the south pole, being in many places a fruitfull soyle, and is yet thorowly discovered, but onely seene and touched on the north edge therof, by the travaile of the Portugales and Spaniards, in their voyages to their East and West Indies.

It is included almost by a parallel, passing at 40 degrees in southern latitude, yet in some places it reacheth into the sea with greater promontories, even into the tropicke Capricornus. Onely these partes are be-





known, as over against *Capo d' buona Speranza* (where the Portingales see popingayes commonly of a wonderfull greatnesse), and againe it is known at the south side of the straight of Magellanus, and is called Terra del Fuego.

It is thoughte this southlande, about the pole Antartike, is farre bigger than the north land aboute the pole Artike; but whether it be so or not, we have no certaine knowledge, for we have no particular description hereof, as we have of the lande under and aboute the north pole.*

This is perhaps the earliest description we have of the supposed continent from the pen of an English geographer. How the idea was gradually developed in succeeding ages may be seen from a short statement of it in Purchas, whose folios appeared in 1625. Speaking of "the Lands on the Southerne side of the [Magellan] Straits," he says:—

This Land about the Straits is not perfectly discovered, whether it be Continent or Islands. Some take it for Continent and extend it more in their imagination than any man's experience, towards those Islands of *Saloman* and New Guinee, esteeming (of which there is great probability) that *Terra Australis* or the Southerne Continent, may for the largeness thereof, take up a first place in order, and the first in greatnesse in the division and parting of the Whole World.

As stated by Burney, the Tierra del Fuego was considered to be "part of a great continent, extending both eastward and westward to New Guinea, and round the South Pole, occupying nearly all the space which had not been cut off by the tracks of European navigators; and this ideal continent they have not left destitute of its capes and gulfs."† The opinions of the men who furnished the world with geography in those days have not yet lost their interest for us, and therefore a further passage from Purchas may be quoted for the purpose of showing how they arrived at conclusions which nowadays seem so extraordinary. He gives as his authority one Master Brerewood, professor of Astronomy in Gresham College from 1596 to 1613:

Master *Brerewood*, our Learned Countryman, persuadeth himself that it is as large as the Easterne Continent, which containeth Europe,

* A True Discourse on the late Voyages of Discoverie under the conduct of Martin Frobisher, General.—Hakluyt Society, pp. 36-7.

† Voyages in the South Sea, vol. i, p. 303.—The Tierra del Fuego is drawn as part of *La Terre Australle* in the chart made by John Rotz, 1542; *ib.*, p. 380.

Africa, and Asia altogether. His reasons are that, touching Latitude, it is known to approach neere (if not on this side) the *Equator*; and touching Longitude, to runne along in a continuall circuit about the Earth, fronting both the other Continents.

Another reason, which he deemeth of more certain importance, is this, that the Land to the North side of the Line in the other Continents of the Old and New World is at least four times as large as that part of them which lyeth to the South. Now for as much of the face of the Sea is level (so hee argueth) being therefore called *Æquor* and *Aqua*; and, secondly, the Earth being equally poised on both sides of her own Centre; and, thirdly, this Centre being but one to the Water and the Earth, even no other than the Centre of the World: it followeth thereupon that the Earth should in answerable measure and proportion lift itselfe, and appear above the face of the Sea, on the South side of the Line, as it doth on the North; and consequently what is wanting in the South parts of the other Continents towards the countervailing of the North parts (which is about three parts of both the other Continents layed together) must of necessitie be supplied in this Continent of the South.*

Master Brerewood was a contemporary of Bacon and Raleigh, and it is not unlikely that he discussed this subject with them; but unfortunately we have no indication of their ideas about it. All we know is that the ponderous reasoning which satisfied the learned professor seemed to satisfy his great contemporaries as well as the little ones, for there was no division of opinion among them. The theory maintained its vitality until it was exploded by Captain Cook—who, by the way, thought that de Quiros was “the first who had any idea of the existence of a southern continent.”† That was a mistake. The idea had been floating about in the minds of men for ages before the Spaniard became possessed of it; as he said in his eighth petition to the King of Spain, it had grown up with him from his cradle. Probably he heard of it as soon as he began to take any interest in nautical matters. He lived in a time when men of all maritime countries were full of speculations—mercantile as well as theoretical—with respect to undiscovered lands beyond their own seas; and he seems to have been

* Purchas, part v, chap. vii, pp. 924-5.

† Voyage towards the South Pole, introduction, p. xi.

about the last of the enthusiastic sailors of his own race who, from the days of Prince Henry of Portugal, had made the discovery of new worlds the great ambition of their lives. Of all the early navigators who had sailed the South Pacific, he is the only one of whom it can be said with certainty that he set out on his voyage with the distinct intention of discovering the ideal Terra Australis.

Geography is not usually a rich field for poetic invention ; but the unknown continent appealed so powerfully to the imagination that it could not expect to escape poetic treatment. In a long forgotten poem by T. K. Hervey entitled AUSTRALIA—which reached a third edition in 1829—the author gives a prophetic vision of the ruin of old England, and then proceeds to describe her revival in a southern empire ; logically approaching the subject with a sketch of the imaginary continent. The unhappy fate of Magellan and Columbus having been deplored, the poet proceeds :—

While Science wept above each hallowed grave,
And mourned her gallant wanderers of the wave,
Hope smiled to think they had not lived in vain,
And Fancy built new regions in the main :—
Far o'er the billowy waste she proudly trod,
To teach the wonders and the ways of God ;
And where the vast antarctic waters roll,
She reared a continent against the Pole !

The result of Cook's explorations is described with equal accuracy :—

Before his daring soul and piercing eye,
Behold that polar vision darkly fly !
See, from its throne upon the waters, hurled
The shapeless phantom of a southern world !

THE chapter in which Botany Bay is described in the account of Cook's first voyage was written by the editor, Hawkesworth, from the journals kept by Cook and Banks. It is unfortunate that we can only conjecture from internal evidence which portion of the material was supplied by one and which by the other; still more so that instead of having their descriptions of the country in their own words, we have merely a reproduction of them by the editor. The impression made upon Banks in particular by his examination of the country was so deep that it lasted throughout his life; but there is no indication of it in Hawkesworth's narrative. There is nothing in it to show that Banks had formed any opinion of the country as a field for settlement; and yet there can be no doubt that his mind was full of that idea while he was walking about the shores of Botany Bay. It is equally certain that from the time he returned to England in July, 1771, to the end of his days, he never lost his interest in it; that he used every means in his power to promote the occupation of the country by the Government; that he took a very active part in the measures ultimately adopted for that purpose; and that he watched over the varying fortunes of the little colony with as much anxiety as if he had held a grant from the Crown of the whole territory, after the fashion in which such grants were made in the days of Sir Walter Raleigh.

Why it was that he thought so much of the country is a matter not easily understood at first sight. As a piece of scenery, Botany Bay could hardly be compared with Queen Charlotte's Sound in New Zealand, where the Endeavour had been lying for three weeks shortly before she reached our coasts; but with all its charms of winding bays and coves, and hills covered with impenetrable forests, echoing the melody of birds which "seemed to be like small bells, most exquisitely tuned," the Sound did not make any other impression on Banks than that of the transient

pleasure which every traveller receives from a scene of wild uncultivated beauty. That it did not suggest any idea of colonisation may be understood from the fact mentioned by Cook as the result of his survey—"we found no flat large enough for a potatoe garden." The contrast between the scenery of Botany Bay and that which had just been left behind in New Zealand gave rise to very animated discussions on board the Endeavour. The densely timbered hills in one, and the gentle undulations of the other, had each their advocates; but we may imagine Banks summing up the characteristics of the two countries by saying that while the Sound was a magnificent place for tourists to roam about in, Botany Bay was designed by nature as a field for colonists. There was no difficulty in finding flats there large enough for many potato gardens. The whole country about the bay seemed to rise and fall for miles around like the lazy billows of the Pacific on a summer day; there were no impenetrable masses of heavy timber, the trees standing so far apart as to give the appearance of an English park. The general impression with respect to the scenery of the bay has seldom done justice to it; but that Cook and his friends thought well of it is manifest from their description. A few lines from Hawkesworth—whose narrative, by the way, never rises beyond a cold expression of approval whatever the scene he describes—will be sufficient to show what they thought of it.

We found the soil to be either swamp or light sand, and the face of the country finely diversified by wood and lawn. The trees are tall, straight, and without underwood, standing at such a distance from each other that the whole country, at least where the swamps do not render it incapable of cultivation, might be cultivated without cutting down one of them; between the trees the ground is covered with grass, of which there is great abundance, growing in tufts about as big as can well be grasped in the hand, which stand very close to each other. The trees over our head abounded with birds of various kinds, among which were many of exquisite beauty, particularly loriquets and cockatoos, which flew in flocks of several scores together.

The country examined on that occasion was the southern shore of the bay, near the point at which Cook had landed—and which is now identified by a monument erected in 1870 to commemorate

the event. On another day, "while Mr. Banks was gathering plants near the watering place," Cook went with Solander and one of his officers to examine the country at the head of the bay—by which he probably meant that part of it lying near the mouth of George's River; although he makes no mention either of that or of the other river since named after him. Here he seems to have been still more pleased with what he saw:—

We went up the country for some distance, and found the face of it nearly the same with that which has been described already, but the soil was much richer; for instead of sand, I found a deep black mould, which I thought very fit for the production of grain of any kind. In the woods we found interspersed some of the finest meadows in the world: some places however were rocky, but these were comparatively few: the stone is sandy, and might be used with advantage for building.

"Cook's meadows" became a standing joke in the settlement formed by Phillip on the shores of Sydney Cove. All the officers on board the First Fleet had read his account of Botany Bay before they left England—it is not difficult to imagine how eagerly they took up the third volume of Hawkesworth for the purpose; and on their arrival they expected to find themselves in possession of ready-made meadows, where the plough might be driven without cutting down a tree. Because they did not land on the exact spot described by Cook, they considered themselves cruelly deceived; and in the bitterness of their disappointment they wrote very angry letters to their friends in England, denouncing the country and everything in it. One of these indignant gentlemen wrote that they were all "very much surprised at Mr. Cook's description of Botany Bay"; and another that "the country for several miles round the bay does not afford a spot large enough for a cabbage garden, that was fit for cultivation" (pp. 503–7). Nevertheless, the natural meadows were there all the time, and Cook's observations were as exact in this as they are known to be in every other instance. The explanation of the difference between his account of the country and that of the angry correspondents is, that they made the mistake of applying his description to all parts of it, instead of to one. Their knowledge of the land was practically confined to the northern shore

—and to that part of it which lay between it and Sydney Cove. Phillip described it as “a poor sandy heath, full of swamps”; but it is now largely occupied by market gardens. This northern shore was examined by Cook, towards the sea coast, and he wrote of it as follows :—

We found this place without wood, and somewhat resembling our moors in England; the surface of the ground, however, was covered with a thin brush of plants, about as high as the knees; the hills near the coast are low, but others rise behind them, increasing by a gradual ascent to a considerable distance, with marshes and morasses between.

When the French naturalist, Péron, visited the colony in 1802, he described the western shore of the bay as having *un aspect enchanteur*, which he attributed to the rank vegetation of the swamps caused by the flooding of the two rivers flowing into the bay; concluding that *le capitaine Cook et ses illustres compagnons y furent trompés*. There is no reason to suppose that they were deceived in the least; nor can there be any question as to the accuracy of their description. The only matter for surprise is that they spoke with so much reserve about the natural attractions of the country. The most conspicuous feature about it was the remarkable beauty of the native plants, and especially of the wild flowers, which were certainly not the product of a swamp, because they are found in their greatest luxuriance in a light sandy soil, near the sea coast. But Hawkesworth tells us little or nothing on this subject, although it may be taken for granted that there was a good deal about it in Banks's journal. All we learn is that “the great quantity of plants which Mr. Banks and Dr. Solander collected in this place induced me to give it the name of Botany Bay;” and again, “there are a few shrubs, and several kinds of the palm; mangroves also grow in great plenty near the head of the bay.” These passages were written by Cook, who was not a botanist. That Banks saw something more than a “few shrubs” there, may be gathered from a letter written by him to the Under-Secretary at the Home Office many years afterwards :—

London, 27 April, 1789.

Sir,—Concluding that it will be thought a desirable Object to bring home for his Majestie's Botanic Garden at Kew some of the many

beautifull and usefull Plants with which the Country in the neighborhood of Jackson's Bay is known to abound I beg leave to suggest to you Sir that if the Tafferell of the Ship Guardian be fitted for the reception of Pots in the same manner as was done in the case of the bounty, and one Line along the sides of the Great Cabbin she will be able without any inconvenience to the officers to bring home a great number.

if this Plan is approv'd I shall be happy to pay all the attention in my power to the Execution of it which as the Bounty has been so lately fitted cannot be a matter of the least difficulty.

I have the honor to be with much respect

Your Most Obedient and Most Humble Servant

Evan Nepean, Esq.

JOS. BANKS.

The date of this letter shows that it was written exactly nineteen years from the day on which Banks and Cook made their first attempt to land on the coast near Botany Bay—which they entered on the following day. That was a long space of time; but “the many beautifull and usefull plants” which had been seen about the bay had not been forgotten; and the first opportunity was taken for the purpose of procuring specimens from Port Jackson. It was in the beginning of winter that Banks saw the plants in their native soil, but at that season of the year the land was no longer covered with the wonderful wild flowers which have always attracted so much admiration. If he had been there in the summer months, when the flowers were in full bloom, he might have fancied himself in some deserted garden in the East, in which an endless variety of tropical plants had been left to spread themselves over the ground in wild confusion.

It was not, however, with the eyes of a botanist only that Banks looked upon this country. Although his opportunities for examining it were very limited—owing, we may suppose, to Cook's anxiety to reach England as soon as possible—he saw enough to convince him that it was eminently suited for colonisation; the climate was perfect, and a soil which, in its natural state, could produce such vegetation as he saw, could be made with little labour to grow anything. If only the Endeavour had run into one or other of the nearest bays to the north—

Port Jackson or Broken Bay—it would have been his good fortune to see his first impressions more than confirmed, and he would then have been able to proclaim on his return home that the English flag had been hoisted on the finest field for colonisation in the world. Even as things stood, he had no hesitation in giving his opinion in very confident terms. When examined as a witness before a Committee of the House of Commons, appointed in 1779 to inquire into the state of the gaols and the question of transportation, he spoke strongly in favour of Botany Bay as a field of operations, arguing that its soil and climate were such as would soon enable a settlement to become self-supporting. As his evidence on the subject may be said to form the starting point of our history, it is worth while to reproduce it. It should be recollected that he was addressing a number of gentlemen whose minds were concentrated on one question—what should be done with the felons?

Joseph Banks, Esquire, being requested, in case it should be thought expedient to establish a colony of convicted felons in any distant part of the globe, from whence their escape might be difficult, and where, from the fertility of the soil, they might be enabled to maintain themselves, after the first year, with little or no aid from the mother country, to give his opinion what place would be most eligible for such settlement, informed your Committee that the place which appeared to him best adapted for such a purpose was *Botany Bay*, on the coast of *New Holland*, in the Indian Ocean, which was about seven months' voyage from England; that he apprehended there would be little probability of any opposition from the natives, as during his stay there in the year 1770 he saw very few, and did not think there were above fifty in all the neighbourhood, and had reason to believe the country was very thinly peopled; those he saw were naked, treacherous, and armed with lances, but extremely cowardly, and constantly retired from our people when they made the least appearance of resistance. He was in this bay in the end of April and beginning of May, 1770, when the weather was mild and moderate; that the climate, he apprehended, was similar to that about Toulouse, in the south of France, having found the Southern Hemisphere colder than the Northern, in such proportion that any given climate in the Southern answered to one in the Northern about ten degrees nearer to the pole; the proportion of rich soil was small in comparison to the barren, but sufficient to support a very large number

of people ; there were no tame animals, and he saw no wild ones during his stay of ten days, but he observed the dung of what was called the *Kangourous*, which were about the size of a middling sheep, but very swift and difficult to catch ; some of those animals he saw in another part of the bay upon the same continent* ; there were no beasts of prey, and he did not doubt but our sheep and oxen, if carried there, would thrive and increase ; there was great quantity of fish, he took a large quantity by hauling the seine, and struck several stingrays—a kind of skate—all very large ; one weighed three hundred and thirty-six pounds. The grass was long and luxuriant, and there were some eatable vegetables, particularly a sort of wild spinage ; the country was well supplied with water ; there was abundance of timber and fuel, sufficient for any number of buildings which might be found necessary.

Being asked, how a colony of that nature could be subsisted in the beginning of their establishment ? he answered—They must certainly be furnished at landing, with a full year's allowance of victuals, raiment, and drink ; with all kinds of tools for labouring the earth, and building houses ; with black cattle, sheep, hogs, and poultry ; with seeds of all kinds of European corn and pulse ; with garden seeds ; with arms and ammunition for their defence, and they should likewise have small boats, nets, and fishing tackle, all of which, except arms and ammunition, might be purchased at the Cape of Good Hope ; and that afterwards, with a moderate portion of industry, they might undoubtedly maintain themselves without any assistance from England. He recommended sending a large number of persons, two or three hundred at least ; their escape would be difficult, as the country was far distant from any part of the globe inhabited by Europeans.

And being asked, whether he conceived the mother country was likely to reap any benefit from a colony established in Botany Bay ? he replied—If the people formed among themselves a civil government, they would necessarily increase, and find occasion for many European commodities ; and it was not to be doubted, that a tract of land such as New Holland, which was larger than the whole of Europe, would furnish matter of advantageous return.†

Several other witnesses were examined by the Committee with respect to places on the African coast at which penal settlements

* This should read—"in another part of the same continent," meaning the Endeavour river, where Banks hunted his first kangaroo ; Hawkesworth, vol. iii, p. 569.

† Journals of the House of Commons, vol. xxxvii, p. 311.

might be formed. The Committee did not express any opinion about Botany Bay or any other place; but they were evidently in favour of a settlement being formed on the plan suggested by Banks. They observed in their report—

That the plan of establishing a colony or colonies of young convicts in some distant part of the globe, and in new discovered countries, where the climate is healthy and the means of support attainable, is equally agreeable to the dictates of humanity and sound policy, and might prove in the result advantageous both to navigation and commerce.

But there was a difficulty in the way which would require fresh legislation to remove. The existing laws on the subject of transportation applied only to the colonies and plantations in North America, and the War of Independence—then at its height—had closed their ports to the convict ships. The Committee therefore recommended—

That it might be of public utility if the laws which now direct and authorize the transportation of certain convicts to his Majesty's colonies and plantations in North America, were made to authorize the same to any other part of the globe that may be found expedient.*

The resolutions of the Committee were agreed to by the House, and it was thereupon ordered that leave should be given to bring in a bill to explain and amend the laws relating to the transportation of offenders. The effect of the legislation subsequently adopted on that subject is stated at p. 449. Turning to page 428, it will be seen that Matra quotes these resolutions of the Committee at the end of his sketch, connecting them with Sydney's remark to him about transportation to New South Wales; from which it may be inferred that the Minister had directed his attention to the report, and that, having looked it up to ascertain its bearing on his proposals, he then added the concluding paragraphs for the purpose of pointing out the advantages offered by his scheme from that particular point of view. Perhaps he began to see, at the same time, that it was hopeless to talk about the American loyalists or any other free settlers.

* *Ib.*, 314.

THE evidence given by Banks before the Committee did not produce any immediate result ; but he had sown an acorn which was destined to come up and flourish in its appointed time. The question of the felons and what should be done with them vexed the souls of successive Parliaments and Ministries ; it was discussed by philanthropists from one point of view and by politicians from another ; but nothing came of their discussions but accumulations of pamphlets and parliamentary papers, with a great work on the State of the Prisons from John Howard and a very little one from Jeremy Bentham, fantastically called a *Panopticon*, in which the philosopher developed "a new principle" of constructing and managing prisons. While the American war lasted, Lord North and his colleagues had no time to spare for matters of that kind ; and the Governments which immediately succeeded his were too short-lived to accomplish any substantial legislation—the real cause of their inefficiency being the blank indifference to questions of social reform which characterised all the politics and politicians of the time.

Better prospects dawned upon the country with the advent of Pitt's administration in 1783. It lasted for eighteen years, and the first ten of them being years of peace, the Ministry had leisure enough to frame any scheme of reform they might please, as well as the power to carry it into effect. Soon after peace had been declared with the United States, the colonists who had remained loyal pressed their claims on Parliament for compensation for the losses they had sustained in the war. They had been driven out of their homes, outlawed and ruined men, and were consequently forced to seek a refuge from the tempest wherever they could find one. Most of them went to the British North American provinces and settled there. Among the pro-

posals made for relieving their distress, it was suggested in 1783 by an Englishman named Matra that some of them should be settled at Botany Bay. He drew up an outline of his ideas on the subject, enlisted the support of Sir Joseph Banks, and formally submitted his plan to the Government. Looking at his proposals in the present day, there need be no hesitation in saying that if the Government had adopted them as they stood and carried them out in a manner worthy of the country, it would have formed the most statesmanlike achievement in the history of Pitt's administration.

But the temper of the age did not favour colonising experiments in which the colonists were to be free agents, while the expenditure was to be met by the public Treasury. Nothing of that kind, at any rate, would go down with the Ministry. The Home Office, which had charge of all matters relating to the colonies, was then presided over by Lord Sydney—a politician better known among his contemporaries by the familiar name of Tommy Townshend. His genius was not accustomed to the work of evolving original conceptions, or even of revolving old ones, when they happened to be rather more comprehensive than usual. He was one of those light-hearted politicians who habitually look upon politics as things of the present hour, and who frame their measures in the same happy state of mind in which they pull on their gloves or pull off their boots—to suit their convenience at the time. So that when the enthusiastic Matra approached his lordship with his new and original scheme for founding a great colony with the American loyalists, the only encouragement he obtained was a remark that New South Wales might be a very proper place for the convicts under sentence of transportation. Matra no doubt felt the chill which every great originator has been doomed to feel, as soon as the project warmed by the fire of genius has been brought into contact with the cold surface of practical politics.

There the matter rested for two years, and might have rested for many years more, had it not been taken up by another enthusiast, Sir George Young; but although he combined a high position in the navy with a good deal of private and official

influence, he was not much more successful than Matra—probably owing to the fact that he, too, was in favour of sending out the American loyalists. There can be no doubt, however, that this second appeal had the effect of driving the matter still further into the official mind ; so that when another year had been suffered to go by, it was at last resolved that the materials supplied by Matra and Young should be utilised for the purpose of framing a little plan of an essentially different character—one which would exactly meet the political difficulty of the hour, while it carefully excluded the purely enthusiastic idea of founding a great colony of the old heroic type.

Slow as the progress was and tedious the delay, let it be remembered that, but for the really important person who stood behind the scenes, the negotiations which occupied the interval between August 1783 and August 1786 might have extended over a much longer space of time ; and might peradventure have come to nothing after all. The idea of founding a colony at Botany Bay clearly originated with Banks ; it was proposed by him in 1779 ; from him it passed to others, and was at last formulated in set terms for the approval of the Government by men who quoted Banks as the great authority on the subject. Ministers in their turn consulted him with as much confidence as the promoters of the scheme had done ; and it was undoubtedly on his strong persuasion that the order was at last given for the equipment and despatch of an expedition to the shores of New South Wales.

THE relation in which Banks stood towards the colony from that time corresponded with the position he occupied in the initial stages of the movement. His interest in it might be described as a paternal one; his right to be consulted in every measure concerning it was freely recognised by successive Ministers; and there is no exaggeration in saying that, during the active portion of his life, no measure of any importance was adopted without his opinion having been taken on the subject. It is not easy to find a parallel instance in the history of colonisation; but if we suppose that Sir Walter Raleigh's attempts to found a colony in North America had succeeded, we can imagine how anxiously he would have watched its progress, how steadily he would have used his influence with Burleigh to promote its interests, and how confidently he would have foretold its success in future years. The fact that he held a proprietary interest in Virginia would not justify the cynical belief that he looked upon it as a mere mercantile speculation; we may credit him with an unselfish desire to extend the dominions and the power of his country, at the same time that he hoped to profit by the results of a venture in which he had sunk £40,000 in days when money was very scarce in England. Banks, on the other hand, had no commercial objects of his own in view when he proposed the colonisation of New South Wales, and therefore his position in the matter, from first to last, was wholly free from the suspicion of self-seeking. The two men might be taken as types of their respective ages; each was an Englishman of the heroic stamp, whose national instinct taught him to look beyond the seas for the true source of his country's greatness. Banks was born to rule; no one can look at the lion-like head and figure of the man, as we see it in his portrait, without feeling that nature destined him for a throne of some kind. The only visible sceptre he held belonged

to the world of science; his realm was the Royal Society, over which he ruled like an absolute monarch; but practically his influence extended far beyond its boundaries. He took no active part in politics; and yet how clearly his political power shows itself in a few lines written by him on a loose sheet of paper, which still lies among his manuscripts:—

I could not take office and do my duty to the colony, my successor would naturally oppose my wishes; I prefer therefore to be friendly with both sides.

Feb., 1789.

Whether these lines formed portion of a private letter, or were written in reply to some offer of Ministerial office, it is impossible to say. Lord Hawkesbury was appointed President of the Council of Trade and Plantations in 1786, and the office may have been offered to Banks on account of his peculiar qualifications for it. The reason he gives for his refusal is very suggestive; he “could not do his duty to the colony” if he were to take office—in other words, he looked upon his duty to it as a father looks upon his responsibility for a child. If he took office in one administration, he would not be able to exercise any influence when another came into power; and as the laws of party government required that each new Minister should oppose the wishes of his predecessor, he felt bound to keep out of any political complications that threatened to restrict his means of doing good at Botany Bay. So completely have these passages in his life been forgotten that they reveal themselves now, to one who reads his unpublished correspondence, like the meaning of an ancient manuscript. Among the many illustrations that might be given for the same purpose, we may content ourselves for the present with a letter to his friend Captain Bligh, in which he offers him the government of the colony. It was written on March 15, 1805:—

My dear sir,—An opportunity has occurred this day which seems to me to lay open an opportunity of being of service to you and as I hope I never omit any chance of being usefull to a friend whom I esteem as I do you I lose not a minute in apprising you of it.

I have always since the first institution of the new colony at New South Wales taken a deep interest in its success and have been con-

stantly consulted by his Majesty's ministers through all the changes there have been in the department which directs it relative to the more important concerns of the colonists.

At present King the Governor is tired of his station and well he may be so he has carried into effect a reform of great extent which militated much with the interest of the soldiers and settlers there he is consequently disliked and much opposed and has asked leave to return.

. in conversation I was this day asked if I knew a man proper to be sent out in his stead one who has integrity unimpeached a mind capable of providing its own resources in difficulties without leaning on others for advice firm in discipline civil in deportment and not subject to whimper and whine when severity of discipline is wanted to meet [emergencies]. I immediately answered as this man must be chosen from among the post-captains I know of no one but Captain Bligh who will suit but whether it will meet his views is another question.

I can therefore if you chuse it place you in the government of the new colony with an income of £2,000 a year and with the whole of the Government power and stores at your disposal so that I do not see how it is possible for you to spend £1,000 in truth King who is now there receives only £1,000 with some deductions and yet lives like a prince and I believe saves some money but I could not undertake to recommend any one unless £2,000 clear was given as I think that a man who undertakes so great a trust as the management of an important colony should be certain of living well and laying up a provision for his family.

I apprehend that you are about 55 years old if so you have by the tables an expectation of 15 years' life and in a climate like that which is the best I know a still better expectation but in 15 years £1,000 a year will at compound interest of 5 per cent. have produced more than £30,000 and in case you should not like to spend your life there you will have a fair claim on your return to a pension of £1,000 a year.

besides if your family goes out with you as I conclude they would your daughters will have a better chance of marrying suitably there than they can have here for as the colony grows richer every year and something of trade seems to improve I can have no doubt but that in a few years there will be men there very capable of supporting wives in a creditable manner and very desirous of taking them from a respectable and good family.

Tell me my dear sir when you have consulted your pillow what you think of this to me I confess it appears a promising place for a man who has entered late into the status of a post-captain and the more so as your rank will go on for Phillip the first Governor is now an admiral holding a pension for his services in the country.

Every paragraph in this letter deserves to be studied, for the light it throws upon the history of the time as well as on the character of the man who wrote it. How large a share he had in the actual government of the colony becomes obvious when we find him offering the appointment of Governor to one of his friends and fixing the salary of the office. The conversation referred to probably took place with Viscount Castlereagh, who administered the Colonial and War Department in 1805, Pitt being then a second time Prime Minister. Bligh's adventures in the character of a Governor have a new source of interest for us in the fact that he was selected by Banks as the most capable man of his class for a position which he failed so conspicuously to maintain.

The gentleman being gone, and Dr. Johnson having left the room for some time, a debate arose between the Rev. Mr. Stockdale and Mrs. Desmoulins, whether Mr. Banks and Dr. Solander were entitled to any share of glory from their expedition [with Cook in the *Endeavour*]. When Dr. Johnson returned to us, I told him the subject of their dispute. JOHNSON: "Why, sir, it was properly for botany that they went out; I believe they thought only of 'culling of simples.'"*

If Banks went out only for culling of simples, assuredly no man ever came back with such results to show for his journey. Even Johnson's Dictionary looks a very small performance when placed beside the map of Australia.

The wonderfully small views of great things which the Dr. could take when it pleased him to do so, is shown in another conversation about the great voyages. During the preparations

* Boswell's Johnson, by Napier, vol. ii, p. 3.

for Cook's second expedition, the "share of glory" obtained by Banks and Solander seems to have excited the ambition of many others—among them being Johnson himself :—

BOSWELL : " Had not you some desire to go upon this expedition, sir ?"

JOHNSON : " Why, yes ; but I soon laid it aside. Sir, there is very little of intellectual, in the course. Besides, I see but at a small distance. So it was not worth my while to go to see birds fly, which I should not have seen fly ; and fishes swim, which I should not have seen swim."

There was a third party, it seems, who was entitled to a "share of glory" from the great expedition, and whose claims were frankly admitted by the Dr.—as appears from a letter he wrote to Banks on the subject :—

To Joseph Banks, Esq.,

Johnson's Court, Fleet-street, Feb. 27, 1772.

Perpetua ambitâ bis terrâ præmia lactis

*Haec habet altrici Capra secunda Jovis.**

Sir,—I return thanks to you and to Dr. Solander, for the pleasure which I received in yesterday's conversation. I could not recollect a motto for your goat, but have given her one. You, sir, may perhaps have an epic poem from some happier pen than, sir, your most humble servant,

SAM. JOHNSON.

* Thus translated by a friend :—

In fame scarce second to the nurse of Jove,
This goat, who twice the world had traversed round,
Deserving both her master's care and love,
Ease and perpetual pasture now has found.—*Ib.*, vol. i. p. 533.

IN reading the evidence given by Banks before the Committee, it is not pleasant to find him identifying himself so readily with the proposal to establish a penal settlement at Botany Bay. He made no remonstrance against it when examined on the subject ; nor did he express any preference for colonising with free settlers at that or any other time. We may easily believe that, if the Government had adopted the proposal for sending out the American loyalists, he would have been at least equally pleased ; but there is no ground for supposing that he saw any objection to the substitution of convicts, still less that his moral instinct revolted against it. While, however, we feel surprise and disappointment when a man of his character becomes conspicuous among the patrons of a system which is now universally detested, it should not be forgotten that his views on the subject were not so much his own as those of the age in which he lived. It is not just to condemn even the foremost men of their time because they were not in advance of it. They must be judged by the recognised standards of their day, not by those of our own. All through the eighteenth century, the transportation system flourished in the sunshine of public and parliamentary opinion. The only protests against it came from the American colonists, who not only saw but felt its hideous iniquity ; but their remonstrances were never heard in England—or if heard were never listened to. Like the cries of India that Burke spoke about in 1783, they were “given to seas and winds, to be blown about over a remote and unhearing ocean.” The feeling that ran through the colonies on this subject has been so carefully excluded from modern history that its existence has been forgotten ; but if evidence of it is required, it may be seen in a letter from one of the colonists which appeared in a history of New York written in 1756—see p. 556. They were made to feel

the bitter degradation involved in the system, not only in the revolting spectacle of chain-gangs marching through their streets, but in the scornful estimate of American society held by all classes in the mother country. The long list of offences charged against King George in the Declaration of Independence did not contain any mention of the wrong he had done in flooding the colonies with criminals; but the sense of injury and the deep-seated resentment which had been burning in the hearts of the colonists for a century, may well be reckoned among the causes which led to their rebellion; just as the discontinuance of the system on the outbreak of war was assuredly counted among the greatest gains derived from it.

A year before the war broke out, Burke warned the House of Commons against "the fierce spirit of liberty" that had grown with the growth of the colonists, and increased with the increase of their wealth. It was aptly described as fierce; and what could be more calculated to make it so than the sight of slaves and convicts landed year after year on their shores from English ships?

But while Banks may not have seen any reason to quarrel with the transportation system in itself, it is surprising that he should have indorsed a proposal to plant a colony of felons—to use the words of the Committee—in a distant part of the globe, in the expectation that they would be able to maintain themselves, after the first year, with little or no aid from the mother country. His technical knowledge of plants and his experience as a farmer would, one would suppose, have enabled him to see the danger of such an undertaking. But it does not appear that he gave any attention to that view of the question, either in his evidence before the Committee, or in the advice he subsequently gave the Government when the expedition under Phillip was being put together. In that respect he was not at all singular, for nobody seems to have given the matter any consideration. It was taken for granted that the colony would require nothing more than a year or two's supply of salt provisions to start it on a career of successful agricultural industry. Phillip was placed under peremptory instructions to see to the cultivation of the land

immediately after his arrival ; but the means put in his hands for the purpose were ludicrously inadequate. Nearly all the seed sent out proved useless for cultivation ; the agricultural tools were of the kind usually sent out for barter on the Gold Coast ; and when it came to actual operations in the field, Phillip could hardly find a man who had any knowledge of farming. The result was that, when the salt provisions began to fail, death by starvation threatened every one in the place. They escaped that fate simply through the prudent management of Phillip, who stood to his post like a Roman sentry through years of crushing anxiety.

There is another view of the matter that deserves to be considered. It is hard to believe that Banks could have been blind to the folly of supposing that a settlement so formed could possibly become self-supporting after a year or two ; or so inhuman as to shut his eyes to the inevitable result if it did not. Making every allowance for his confidence in the natural resources of the country, a moment's thought should have satisfied him that the success of the expedition was at least problematical ; if there was a fair chance of success, there was an equal risk of failure ; and in the event of any disaster overtaking it, the consequences would be fatal not only to the felons—whose fate perhaps was regarded with indifference—but to the officers and men of the military and civil establishments, with the wives and children dependent on them. Considerations of this kind could hardly fail to present themselves to a man who felt his responsibility for the part he had taken in the business—one who was neither a dreamer nor a theorist, nor yet a politician harassed out of his peace of mind by a public question he was wholly unable to deal with. At this point, then, one of two things may be supposed to have happened. Either he consulted the Minister in order to satisfy himself about the arrangements that were being made to ensure success ; or else he relied so implicitly on the necessary measures being adopted by the Government that he did not attempt to offer his advice at that stage. It is not difficult to imagine the result of a conversation between him and Sydney on such a topic. He would have been laughed out of his anxiety by the genial Minister, who would have assured

him that every possible precaution was being taken to make the scheme a success. He himself had enough to do in drawing up the official documents; but there was Nepean—the permanent Under Secretary—to look after all the details; he could be trusted to see that the men sent out were of the right sort—young able-bodied fellows, such as the Committee had spoken of—and that they were well supplied with the proper tools, seeds, and plants. Then they had got a really good man in Phillip; they could safely leave everything else to him; he would see that the settlement became self-supporting in a year or two. That was the central point of the whole scheme, and he would be made to understand that from the day of their arrival at Botany Bay, everyone must look for his support to the land, and not to the casks of beef.

No conversation of that kind passed between Banks and the Minister, simply because it did not occur to the father of the colony that there could be any necessity for satisfying himself about the management of affairs. The actual course of events at that stage may be seen in the memoranda and letters written by Phillip before the expedition left England—(pp. 37-53). The anxious little Captain—he is described as a little man with a “thin aquiline nose under a large cocked hat” (p. 498)—had no sooner received notice of his appointment than he began to busy himself with the preparations for the voyage. No such fleet had ever been got together before; nor had any captain of a man-of-war ever found himself in charge of such a convoy. Convict ships had crossed the Atlantic often enough; but there was neither novelty nor romance about their movements. Phillip was in charge of a large fleet, bound for a port into which only one ship had sailed since the sun first shone upon its waters; he had not only to navigate an unknown sea, but to found a colony which he felt would one day become an empire. The sense of responsibility that weighed upon him thrills through every line he wrote about the great work he had in hand; and for four or five months at least before he sailed, he rarely suffered a week to pass by without a letter to the Minister or the Under Secretary, touching the various points that required attention. He racked

his brains to provide against all possible contingencies, especially against scurvy; for the six small transports were crowded with convicts who had been hurried on board in a shamefully neglected condition—so neglected that Phillip was obliged to supply them with clothing, and to borrow soap from the marines in order that the men and women might be well scrubbed before the ships put to sea—(pp. 43, 48, 49, 67, 490). Phillip believed in the virtue of soap and water. The first blackfellow whom he captured and tamed in the colony was put in a tub and scrubbed, while he and his officers stood by to watch the process; but he did not care to preside at the cleansing of seven hundred and fifty-six convicts covered with rags and filth.

In the midst of all his anxious care and attention—which embraced everything he could think of, from capital punishment down to the “women’s cloathes”—the most important point of all never presented itself to his mind. In these days the founder of a projected colony would probably ask for some information about his colonists before he ventured to start on his expedition; seeing that the success of it would entirely depend on their capacity for colonising work. Agricultural labourers and mechanics of all kinds would be required as soon as tents were pitched; and if no such men were in the ships, starvation would threaten the settlement on the one hand, and sickness from exposure on the other. Obvious as these matters seem to be now, they did not occur to Phillip until he was forced to think of them when he began to direct farming and building operations at Sydney Cove. He did not see the men and women placed under his charge until the fleet reached Santa Cruz; he had not even seen a list of their names and occupations. If he had known half as much about them before he sailed as he knew in the first week or two after he had landed, he would not have incurred the risk he did without strenuous efforts to remedy a neglect that he would have known to be fatal.

How is this oversight to be explained? The answer will be found by looking at the transportation system as Phillip looked at it. In his days it was an organised branch of the Government service, and had been so for a century. Convicts

of both sexes were taken from the gaols, put on board the hulks, and shipped in the transports to the American colonies, with as much official supervision as letters and newspapers were sent through the post. The persons sent to the colonies were supposed to be fitted for the work to be done there; the very Act of Parliament which authorised their transportation professed to enact it as a means of supplying the great demand for labour among the colonists. The men and women destined for Botany Bay were also supposed to be selected in the same manner; who could imagine that it would be otherwise? If any doubt had been expressed on the matter, it would have been set at rest by pointing to the success of the American system. In the face of that experience, it is not surprising if Phillip, like every one else, assumed that the people placed on board his ships belonged to the proper class for such a service.

Brought into contact with this system as he was for the first time in his life, he did not see—it was hardly possible that he should have seen—a broad distinction between the method of dealing with convicts in the American colonies, and that which was about to be established under his government. Every convict transported across the Atlantic had been sold on arrival to the highest bidder for the term of his sentence; and as prices were regulated by values in the market, the people put up for sale were usually worth buying. That was a substantial check on the exportation of worthless material; but there was no check of any kind when the stream was diverted to the South Pacific; and the result was that no attempt was made to select men and women of the kind recommended by Bacon—"gardeners, ploughmen, labourers, smiths, carpenters, joiners, fishermen, fowlers, with some few apothecaries, surgeons, cooks, and bakers." My lord Sydney never gave the matter a thought; neither did his Under Secretary. The selection was left in the hands of the gaolers, who picked out the men and women they wished to get rid of. So that when Phillip came to know something of them, he had to tell Sydney that more than fifty among them were disabled by old age and disease before they left England; while very few of the rest were of any use to him—(p. 297). That there was less

of accident than design in this matter may be suspected from the fact that, notwithstanding Phillip's complaints, the very next transport brought a number of women whom the Judge-Advocate described as "loaded with the infirmities incident to old age" (p. 278). How was Phillip to guard himself and the settlement against such a wrong? There was nothing to arouse a suspicion in his mind while he was in England; his faith in the efficiency of the service was implicit. Banks was equally trustful and confiding; so in fact was every one else. It is always so in matters of administration; things get into a groove, which every one takes to be the right one until a catastrophe happens, and then every one pretends to be shocked.

THE change which Banks brought about in public opinion with respect to the climate, soil, and natural resources of New South Wales cannot be thoroughly understood until we have realised what that opinion actually was in his time. Until he spoke on the subject, the general estimate of New Holland—as it was then called—was unfavourable to the last degree ; and that this estimate extended throughout Europe is evident from the fact that in an age when all the sea-faring nations were particularly active in seeking new fields for commercial operations, not one of them made any serious attempt to establish trading posts on its shores—still less to occupy the country. The Dutch settlements in Java and the Spanish in Peru placed facilities for the purpose in the hands of their merchants which would not have been neglected, if there had been any tendency to believe in the prospect of commercial returns for the enterprise. During the third quarter of the last century, the French had begun to look to the South Seas as a promising field for exploration if not for commercial ventures ; but they, too, were so possessed with the universal belief that New Holland was not worth the cost of an expedition, that none was sent to it. It seems to have been looked at in much the same light as we have been accustomed to look at Africa—a sort of Dark Continent, with a hot climate and a barren soil, peopled with miserable savages, and incapable of being turned to any good account. The general impression with respect to it, as a field for colonisation, may be seen in the account which de Brosse gives of it, when speaking of the different places in the South Seas that might be occupied for that purpose. His object was to point out the advantages that might be obtained by the establishment of colonies in that part of the world, and consequently he had no reason to depreciate the countries he described :

New Zealand and Van Diemen's Land are too distant [for colonising purposes], being situated towards the south pole and altogether unknown.

We do not quite know whether anything can be expected from them. Landing is a very difficult matter on any part of the coast of the great continent which our charts delineate under the name New Holland. Its west coast is obstructed by an endless number of little islands which lie off it. The country near the sea is altogether sterile and bare; like a new surface which the sea has recently left above the waves, before the action of the sun and rain, and the successive accumulations of the *débris* of light vegetation, has had time to form a soil sufficiently solid to give the plants and trees the nourishment that nature usually gives them. Those growing on the west coast look half dead. The country offered nothing to those who visited it that was at all curious, except a kind of wood that might be useful for painters, being redder than the sassafras of Florida, trees yielding a gum like dragon's blood, and cockle shells of a singular beauty, of which there are some so large that Dampier found an empty one weighing two quintals and a half. The natives are thoroughly brutal, stupid, incapable of work, and insensible to the advantages of trade.*

This was the impression made upon the ablest geographer of his time by a careful study of all the published voyages to the country. Dampier's mark is legible in every line of the description; and the accounts gleaned from the Dutchmen seem to have tallied with everything that he had written on the subject. The net result was that New Holland was pronounced unfit for colonisation, and New Britain was recommended as the best available field in the South Sea for the energies of French emigrants—(p. 576). New Zealand and Van Diemen's Land were looked upon as quite out of the question, principally because they were situated so far south. The idea seems to have been that the climate in those islands would be too severe for Europeans—Mediterranean sailors would never go into higher latitudes than they could help—and that the natural products could not be worth the trouble of cultivation. Some reason for that impression may be seen in Dampier's remark that countries lying in such latitudes could not be compared with "the Parts that lay nearer the Line, and more directly under the Sun." Englishmen in his days still cultivated the superstitious belief that all the wealth of the world was concentrated in tropical countries—

* *Histoire des Navigations*, tom. ii, pp. 380-1.

a belief which gave rise to the great discoveries of the fifteenth and sixteenth centuries. The Portuguese struggled to reach India by an eastern route, and so made their way round the Cape of Good Hope; while the Spaniards, moved by the same ambition, sought to reach the same goal by sailing west, and so passed through the straits of Magellan. Then began the great contest among the maritime nations of Europe for gold and spices. Long after Dampier's time, the trade with the East was considered the richest of all trades; and the richest part of it was the spices. It is not easy in the present day to understand why such articles as cinnamon, cloves, and nutmegs should have been looked upon with eyes of envy by the merchants of four great colonising nations. The massacre of the English by the Dutch at Amboyna, in 1623, is a memorable proof of the jealous spirit which prevailed among the nations on that subject. The Dutch were regarded as the great monopolisers of the trade; and they were supposed to have deliberately suppressed the accounts of their explorations of New Holland, for the purpose of concealing their discoveries and keeping all the nutmegs to themselves.

The faith in spices as a source of national wealth flourished down to the end of the last century. It shows itself in Matra's proposal for colonising this country. "Part of it lies in a climate parallel to the Spice Islands, and is fitted for the production of that valuable commodity, as well as the sugar-cane, tea, coffee, silk, cotton, indigo, tobacco, and the other articles of commerce that have been so advantageous to the maritime powers of Europe"—(p. 423). Thus he actually heads the whole list of products with the spices, as if sugar, tea, cotton, and tobacco were quite inferior articles. And as if that was not enough, he returns to the subject in another paragraph in which he refers to the Moluccas—then the principal seat of the trade, carefully watched by the Dutch. "As part of New South Wales lies in the same latitude as the Moluccas, and is even very close to them, there is every reason to suppose that what nature has so bountifully bestowed on the small islands may also be found on the larger. But if, contrary to analogy, it should not be so, the

object is easily supplied, for as the seeds [of spices] are procured without difficulty, any quantity may speedily be cultivated"—(p. 426). Matra's example was followed by Sir George Young, who gave it as his opinion that "the country is everywhere capable of producing all kinds of spice, likewise the fine oriental cotton, indigo, coffee, tobacco, with every species of the sugar-cane ; also tea, silk, and madder"—(p. 430). Considering the great sagacity displayed by both those men in their estimate of a country practically unknown to the world of their time, it is a whimsical fact that their predictions on the subject of the spice trade still remain to be realised. Of all the products mentioned by them, the cloves and nutmegs have hitherto made the smallest show ; every ounce of them consumed in the colony from the days of Phillip having been grown for us by our old friends the Dutch—the great purveyors of spices to mankind.

If we now compare Matra's description of this country—redolent as it is of spices and all manner of good things—with the melancholy picture of it presented by de Brosse less than thirty years before, we may ask—how is this difference in opinion to be accounted for? The Frenchman was not in any way interested in depreciating New Holland or any other part of the *Terres Australes* as a field for colonisation; we have seen that he wrote for the purpose of stimulating his countrymen to form settlements in that part of the world, wherever it could be done with any prospect of success; and the chapter in which he expanded his ideas on the subject had more to do with the colonisation that subsequently took place than is usually suspected. It would be no answer to say that Cook's account of his explorations brought about the change in public opinion. Matra, it is true, quotes his Voyage, but there is no resemblance between their accounts of the country. The chapter in which its resources are summed up by Hawkesworth is painfully cold and flat.

It is upon the whole rather barren than fertile, yet the rising ground is chequered by woods and lawns, and the plains and vallies are in many places covered with herbage; the soil, however, is frequently sandy, and many of the lawns, or savannahs, are rocky and barren, especially to the northward, where, in the best spots, vegetation was less vigorous than in the southern part of the country; the trees were not so tall, nor was the herbage so rich. The grass in general is high, but thin, and the trees, where they are largest, are seldom less than forty feet asunder; nor is the country inland, as far as we could examine it, better clothed than the sea coast. The banks of the bays are covered with mangroves, to the distance of a mile within the beach, under which the soil is a rank mud, that is always overflowed by a spring tide; farther in the country we sometimes met with a bog, upon which the grass was very thick and luxuriant, and sometimes with a valley, that was clothed with underwood; the soil in some parts seemed to be capable of improvement, but the greater part is such as can

admit of no cultivation. The coast, at least that part of it which lies to the northward of 25° S., abounds with fine bays and harbours, where vessels may lie in perfect security from all winds.

There is no ground for complaint on the score of exaggeration here.* No one who read the chapter could have formed a high opinion of the country it described; and it is certain that the general public were not at all impressed with the notion that New South Wales was destined to be a great colony. The fact that ten years passed by from the publication of Hawkesworth's volumes to the date of Matra's pamphlet, without any sign of a movement in the shape of colonisation, is enough to show that the public mind had not even conceived an idea of that kind. How the ordinary Englishman looked at the contents of those quartos, while they were still fresh in the minds of men, may be seen in Boswell's account of a conversation about them:—

JOHNSON: "A book may be good for nothing; or there may be only one thing in it worth knowing; are we to read it all through? These voyages (pointing to the three large volumes of *Voyages to the South Seas* which were just come out), *who* will read them through? A man had better work his way before the mast than read them through; they will be eaten by rats and mice before they are read through. There can be little entertainment in such books; one set of savages is like another."†

If the account of the great voyage made no deeper impression on Dr. Johnson's mind than that, it is not likely that other men would have seen much more in it than he did. And since the exuberant ideas we find in Matra's sketch of the country are not to be found in Hawkesworth, from what source of information were they obtained? The only other source open to him was

* "I gave him [Johnson] an account of a conversation which had passed between me and Captain Cook, the day before, at dinner at Sir John Pringle's, and he was much pleased with the conscientious accuracy of that celebrated circumnavigator, who set me right as to many of the exaggerated accounts given by Dr. Hawkesworth of his voyages."—Boswell's *Life of Johnson*, by Napier, vol. ii, p. 295. It is not clear from this passage whether the charge of exaggeration referred to the published accounts of the voyage, or to Hawkesworth's conversation about it. His preface says that the manuscript was read over to Cook before it was published, and was approved of by him. That he was not pleased with his editor's work may be suspected from the fact that the title page of the account of his second voyage states that it was "Written by James Cook."

† Boswell, vol. iii, p. 396.

Sir Joseph Banks; and it may therefore be inferred that the facts and arguments which he urged on the attention of the Government were derived from the conversations that had taken place between them. Men in search of information about a particular country usually consult those who can speak of it from their own personal knowledge; and there can be no doubt that Matra had no sooner made up his mind to develop his ideas in a practical form than he betook himself to Banks, and obtained from the fountain-head the hints which he afterwards developed in his sketch. Banks was a traveller as well as a philosopher; he had sailed round the globe when he was a young man of twenty-five; and as the pivot of the whole scheme was a geographical one, he could have no difficulty in foreseeing the substantial advantages that would ultimately accrue from it to England. Conceive him, then, standing before a map of the world and pointing out to Matra how, with a colony at Botany Bay, England would be in a position to hold both her enemies—the Dutch and Spaniards—in check; because she could as easily threaten Timor, Batavia, and the Moluccas with one squadron, as she could operate against Callao and the Spanish merchant ships with another. They could not do any harm by attacking the colony, because it could be secured against any attack they might venture to make. That was a political consideration which alone would justify the establishment of a colony. The commercial advantages were not less obvious; because another glance at the map would show that, with a territory comprising such a variety of climate, tropical and temperate, and a soil producing the very richest vegetation, there could be no room for doubt as to the results of colonisation. At this point, Banks would naturally bring his varied botanical knowledge to bear on the subject; all the plants known to commerce would be enumerated, and the probability of their successful cultivation in New South Wales would be demonstrated by the experience of other countries lying in the same parallels of latitude.

Possibly there was a good deal of tropical luxuriance about his eloquence on this subject which—to minds not touched with Matra's enthusiasm—might have suggested the idea of a

traveller's love of exaggeration ; but no one doubts now that he spoke truthfully as well as prophetically. Phillip confirmed every word he said when writing a few months after his arrival at Sydney Cove—(p. 338) :—

The climate is equal to the finest in Europe, and we very seldom have any fogs. All the plants and fruit-trees brought from the Brazil and the Cape, that did not die on the passage, thrive exceedingly well ; and we do not want vegetables, good in their kind, which are natural to the country.

But long after Phillip's evidence on these points had been published in English newspapers, the cynical spirit of disbelief that has always hung like a cloud over the country met him wherever he went. Ten years after the occupation of it had begun, he told Governor Hunter that he had been "uniformly contradicted, except by Governor Phillip" (p. 85), whenever he gave his opinion about its soil and climate. There was some authority, too, for the contradiction ; for had not the Frenchmen, who dropped into Botany Bay just as the First Fleet was sailing out of it, made it known to the world that "in their whole voyage they nowhere found so poor a country nor such wretched, miserable people" ? (p. 33 n). How they would have ridiculed the idea, had it been mentioned to them by Phillip's officers, of their coming to take possession of such a place ! They would not have taken it as a gift from his Britannic Majesty—not even with all the convicts thrown in. The volumes of their countryman de Brosses were on board their ships ; they had all read his description of New Holland and its inhabitants ; and they were prepared to indorse every word of it. Even the poor natives had nothing to recommend them, although they could whistle the air of *Malbrooke* as soon as they heard it—(121 n).

LET us now turn for a few moments from the geographers and the Frenchmen to the artists, and endeavour to ascertain what they thought of the country which others held in such little account. Men who form their notions of the earth from poring over maps and charts, or twirling a globe on its pivot, are not usually men of imagination; and no one would expect to meet with poetic descriptions of scenery in French voyages of discovery. English artists, on the other hand, are usually credited with the intuitive perceptions of genius when they take the field in search of landscapes; and in their written accounts of a new country, visited in the interests of their art, we expect to find, at the very least, some freedom from prejudice, if not that glow of enthusiasm which men feel when their imaginations are stimulated by beautiful scenery never seen before.

On board the *Endeavour* there was a young artist, named Sydney Parkinson, who had been engaged by Banks for the special purpose of sketching all the picturesque and novel subjects they expected to meet with in the course of their three years' voyage. He not only took sketches but he kept a journal, which, after his death, was published by his brother in a large quarto, "embellished," as the title-page says, "with twenty-nine views and designs, engraved by capital artists"—(p. 578). Out of the twenty-nine embellishments, there is only one referring to this country; and that represents "two natives of New Holland advancing to combat"—the enemy being Cook and his landing party at Botany Bay. Two illustrations were supplied to Cook's *Voyage*—one being a view of the *Endeavour* River, with the ship high and dry on the bank; and the other, a sketch of a kangaroo. These productions may be taken to convey Parkinson's opinion of this part of the world from a professional point of view. The inference is that he did not see any scenery in New South Wales

worth sketching. What was he doing, one is inclined to ask, during the eight days that he passed in Botany Bay? If he could see nothing worth notice about the bay itself, he had only to go in a boat up the two rivers running into it, in order to find a succession of beautiful views lying before him. But it does not appear that he went up the rivers at all; and as for the bay, it seems to have made no sort of pleasant impression on him.

There were two other artists on board the same ship—William Hodges and James Webber—whose portfolios were also published—(p. 595). The whole collection contains only two drawings referring to this country, both of which were studies of aboriginal life. One of them was painted in oil on a piece of sail-cloth, while the ship was in the Endeavour River, the artist having lost his materials when she struck the reef. No attempt was made by these gentlemen to paint a landscape during their stay on the coast; the only source of interest they found in the country seems to have been the natives, whose “bottle-noses” were immortalised by Dampier.

None of these artists having left on record any expression of opinion with respect to the character of the scenery in this part of the world, we can only look to their published sketches in order to find out what they thought about it. If they had considered it worth the trouble of reproduction with brush or pencil, we may suppose that they would not have omitted any opportunity in their way, seeing that they had undertaken a perilous voyage of three years’ duration for the purpose of exercising their art in new fields. Their silence, therefore, sufficiently indicates their judgment on the subject. That it does so there can be no doubt; and the inference is confirmed by the unhesitating statements of another artist, who came out some years afterwards on an exactly similar mission.

When the Investigator sailed from England in 1801, under the command of Matthew Flinders, who was commissioned to survey the coasts of this country, she carried a draftsman named William Westall, appointed by the Admiralty at the instance of Sir Joseph Banks. What Westall thought of Australian scenery

may be seen in a letter to his patron accounting for his determination to visit Ceylon and India for professional purposes, instead of returning to England with the sketches he had taken in New Holland. It is necessary to explain that the Investigator having been condemned in Sydney Cove in 1803, before Flinders had time to accomplish his work, he went on board the Porpoise as a passenger to England. On his way through Torres Straits, the ship struck on a reef; and Flinders returned to Sydney in an open boat to obtain assistance for the crew, who were left on the wreck to await his return. The only vessel at the Governor's disposal—a little schooner named the Cumberland, of twenty-nine tons—was placed at his service; and in her he returned to the wreck, took off the crew, and then sailed for England, putting in at Port Louis on his way, where he was made prisoner by the French. Westall seems to have left him at Sydney, and gone on board a ship bound for China.

Ship Carron, Canton River,

Sir,

January 31, 1804.

As my returning to England direct for the purpose of executing the sketches that were saved from the Porpoise must appear absolutely necessary, I shall lay before you the principal reasons that have induced me to take India in my route home.

I am sorry to say the voyage to New Holland has not answered my expectations in any one way; for though I did not expect there was much to be got in New Holland, I should have been fully recompensed for being so long on that barren coast by the richness of the South Sea Islands which, on leaving England, I had reason to suppose we should have wintered at, instead of Port Jackson. I was not aware the voyage was confined to New Holland only; had I known this, I most certainly would not have engaged in a hazardous voyage where I could have little opportunity of employing my pencil with any advantage to myself or my employers.

I mentioned these circumstances to Mr. Lance, and my desire of going to Ceylon, a country where I could scarcely fail of success, for the rich and picturesque appearance of that island, every part affording infinite variety, must produce many subjects to a painter extremely valuable. And as no painter has yet been there, what I should acquire would be perfectly new and probably interesting, from the island being one of the richest in India, and lately acquired.

Mr. Lance said that as I had so few sketches of New Holland, there could be no necessity for my returning immediately to England ; that I had now an opportunity of going to India which I ought by no means to lose ; and if I did go he said he would undertake (as he was very intimate) to make my excuses to you. I cannot enough acknowledge the attention that gentleman has shown me since my arrival in China (which increases my obligations to you, for I believe Mr. Lance has been attentive to me merely because I was by you appointed). What I have seen of the country about Canton I am entirely indebted to him for ; he has given me letters from Mr. Drummond and the Committee to the Governors of Ceylon, Penang, Madriz, and Bombay ; and in short it is entirely by his advice and direction that I did not immediately return with the sketches, which, before I had seen him, I had fully determined.

These, sir, are the principal reasons that have determined me to remain some time longer from England ; knowing that it will be very much more to my advantage (though against my inclination, for I would rather return) going to Ceylon and the countries that the East India Company have lately acquired, than to return with subjects which, when executed, can neither afford pleasure from exhibiting the face of a beautiful country, nor curiosity from their singularity : New Holland in its general appearance differing little from the northern parts of England.

I have now, sir, nothing more to add except that, if I thought you would be displeased that I do not return with the drawings that are remaining, I would most certainly relinquish my design of going to India, as I am bound by duty as well as inclination to fulfil in every respect my engagements with yourself and the Lords of the Admiralty.

I am, sir,

Your most obedient, humble servant,

WM. WESTALL.

Banks's face, when he read that letter, would have made quite a nice study for Sir Joshua. The idea of an artist, specially selected for the purpose, devoting three years to the work of illustrating New Holland, and then declaring that he had seen nothing to illustrate, seems excessively comic in the present day ; but Banks did not see anything funny about it. We may fancy him reading Westall's letter over and over again, in the vain effort to understand what it meant. Was it possible that, in the whole extent of his voyage, from King George's Sound to

Port Jackson, thence to the Gulf of Carpentaria, thence to Timor, and back to Sydney Cove, with all the excursions inland, Westall did not see anything worth describing? "That barren coast"! "So few sketches of New Holland"! Why, he does not even express a regret for the loss of his sketches in the wreck; nor does he take the trouble to send a list of those that were saved. Evidently, then, he did not take the slightest interest in them, and did not conceive it possible that any one else could do so.

If we turn over the leaves of the *Voyage to Terra Australis*, written by Flinders, we can see what Westall had been about all this time. In the first volume, there is a plate showing a View from the south side of King George's Sound, where Flinders began his survey; then there is another, showing the Entrance of Port Lincoln, taken from behind Memory Cove; a third, in which he gives a View on the North side of Kangaroo Island; and a fourth contains a View of Port Jackson, taken from South Head. The sketches in the second volume were taken on the north coast, and are of much the same character as the others.

The Investigator was at anchor in Sydney Cove from May to July, 1802—over two months, so that this extraordinary artist, as he seems to us, had opportunity enough for studying the scenery there. But he did not see any beauty in it—not even in "our beautiful harbour"! His silence is quite as suggestive as his innuendoes. He stood on the South Head, and drew a hard outline of the port as it lay before him on a May morning, with its little islands still as Nature made them; and he seems to have considered that one such sketch was quite enough to show people in England "the finest harbour in the world"—as Phillip called it. No doubt he visited the different coves in the ship's boat, and, like Judge-Advocate Collins, was "struck with horror at the bare idea of being lost in them"—(p. 153 n); they were all so much alike, then, that no man could tell one from another—timbered down to the water's edge, and with hardly a sign of habitation. Whether he went up Middle Harbour, or up the Hawkesbury—which Anthony Trollope, in 1871, pronounced a better piece of river scenery than either the Rhine or the Upper Mississippi—we don't know. Nor have we any idea whether he

made an excursion outside the boundaries of Sydney town. He must have heard enough about the Blue Mountains to stimulate any imagination that was not "duller than the fat weed that rots itself at ease at Lethe wharf." For among the men he met there was George Caley—the botanist sent out by Banks to collect for the Royal Gardens at Kew—who was always moving about in search of specimens, and who is still remembered by the famous repulse he met with among the ranges; and there was the energetic young Ensign Barrallier, equally eager to distinguish himself in exploration, and whose ambition it was to be the first man across the Blue Mountains into the unknown country beyond them. Governor King's celebrated joke—sending Barrallier on an embassy to the King of the Blue Mountains in order to detach him from the Corps—was quite fresh when the Investigator returned to the Cove; and as King took great interest in exploration, the conversation at his table naturally turned on the mysterious mountains, the unknown rivers, the wonderful harbours, the Mediterranean sea, and every other physical feature of the country, as well as its peculiar vegetation and the *grotesquerie* of its animal life. Could any artist on his travels have wished for better guides?

Westall's indifference becomes doubly singular when we recollect that all through his voyage he was in daily communion with Flinders, whose devotion to his work reached its climax in martyrdom. So devoted was he that the disappointment he endured when forced by the state of his ship to discontinue his voyage wrung these words from him:—"The accomplishment of the survey was, in fact, an object so near my heart that could I have foreseen the train of ills that were to follow the decay of the Investigator, and prevent the survey being resumed—and had my existence depended upon the expression of a wish—I do not know that it would have received utterance." No exaggeration there, for it is borne out by the melancholy record of his life. But what a contrast it presents with Westall's letter! One man prepared to sacrifice life itself if only he could accomplish the great object of his ambition; the other absolutely too indifferent to seek fitting subjects for his pencil!

The difference between the two men was simply this: the sailor was a man whose genius led him instinctively to the work of exploration, and who devoted himself to it, not for the sake of profit or reward—he got neither—but because he loved the work for its own sake, and saw in it a straight road to immortality. The artist was nothing more than a commercial gentleman, who knew too well that he could make neither money nor reputation out of any Views of New Holland he might publish in London. There was no market for them there, the British public—with the exception of a few men like Banks and Phillip—having no taste for colonial scenery. No wonder, then, that he looked upon the wreck of the Porpoise as a happy release, because it put an end to the dismal expedition he had foolishly joined, and gave him a chance of getting away to brighter scenes—Ceylon and India—where subjects of intense interest in England, full of colour, life, and movement, were waiting for the artist's touch.

THE perverse tenacity with which Englishmen generally have held on to their unpleasant impressions with respect to this country, is one of the most conspicuous features in its social history. It would not be too much perhaps to say that it has hardly yet overcome the inveterate prejudice which, originating in the gloomy accounts of its earliest explorers, led one of the most speculative of Frenchmen in the last century to pronounce it unfit for colonisation, and subsequently condemned it to the dismal fate of a penal settlement, to be populated by British criminals for over half a century. Banks could find only two men in his time to whom he could appeal for confirmation of his own opinion in its favour; and the proportion of those who believed in it to those who did not, increased at a very slow rate for many years afterwards. Undoubtedly the publication of Phillip's despatches did a great deal to justify all that Banks had said; and the official volume in which they were given to the world was probably published for the purpose of justifying the Government in the eyes of the public, and pacifying the unfriendly critics of their action. But there were other pens besides Phillip's at work; and the accounts written by them for the benefit of friends in England met with equal publicity and were read perhaps with much more confidence. They related the bitter experience of men whose sufferings, brought about by the mismanagement of the Government, were invariably debited to the unfortunate colony, for which in most cases they had nothing better to say than the Israelites of old had to say for Egypt. It was not unnatural that men trembling for their very existence should feel nothing but despair in their hearts when they sat down to describe the scene of their misery; and that they should rail at the deceptive visions on which their

fancy had been fed in England of grassy meadows ready for the plough, where they could see nothing but rocks and gum-trees ; and of a land abounding in the richest products of tropical islands, where no better result than a miserable existence could be gained from the most painful toil.

Long after that dreadful time had passed away, and when the success of the colony was no longer a matter of uncertainty or doubt, it still had to struggle against the gulf-stream of depreciation which had always swept so strongly toward its shores. The traveller who looks down from the summit of Mount Gambier upon the dark-blue waters of the lake below, sheltered from rude winds by terraced walls on which the grass grows as smooth and green as on a lawn, may find it hard to realise the fact that he stands on the edge of a volcano, and that the scene of silent beauty on which he gazes was once a field of raging oceanic fires. It is not less difficult for those who know the colony only in its present stage to bring before the mind's eye the period of what might be called its volcanic action—when elemental forces were at work in constructing the materials of its future wealth and greatness by the agency of hell-fire and lava. Looking as we do now on great cities and cultivated fields, marked by every sign of an enterprising and prosperous population, we see no trace of the time when the only evidence of civilised life was found in convicts' huts and soldiers' barracks. With the exception of a few streets, roads, and public buildings, every vestige of those times has disappeared from view ; and the antiquarian who seeks to reconstruct the city of the dead finds his efforts baffled at every step of his investigation. But for the literature of the old days—the long forgotten books and newspapers, and the piles of buried records on which the dust of a hundred years has settled down—it would not be possible to form any accurate conception of the ideas which prevailed about the colony throughout the long period in which it was known to Englishmen as Botany Bay, and when the name they gave it meant all that was abominable in the eyes of decent people. There is no exaggeration in the statement of a recent writer referring to this country as it was known in England less than forty years ago :—"Most people

still thought of Australia as a vast desert, remarkable only for containing a den of thieves and murderers, called 'Botany Bay.'**

The "vast desert" which Englishmen used to summon up before the mind's eye whenever Australia was mentioned, reminds one of the picture which de Brosses had drawn of the country a century before. The only essential difference between the two is that the English sketch has a den of thieves and murderers in one corner of it, while the French one has nothing but a few sickly trees to relieve its dreariness. There was something in the shape of evidence to support the popular impression in England, because Sturt's theory about the great central desert had just been published at the time referred to. He made his first acquaintance with the interior when he entered the country watered by the Macquarie, Bogan, and Darling, a drought of three years' duration being then at its height. Looking day after day for well-watered, grassy table-lands, and finding only plains that looked "dismally brown," where "the emus, with outstretched necks, gasping for breath, searched the channels of the river for water, in vain," he came to the conclusion that the country he saw was unfit for occupation—a desert that not even the natives would care to penetrate. But every acre of it is now, and has been for many years, under pastoral lease, roamed over by sheep and cattle in thousands, notwithstanding its want of water in dry seasons; and the distant banks of the Darling, far beyond the limit of his exploration, have long since been connected with Sydney by the rail and the telegraph.

In his last expedition, Sturt strove to reach the centre of the continent, the great object of his ambition; but he was driven back by the stony desert, of which he left such a terrible picture that it filled the mind with an idea of hopeless desolation—as if the interior of the country consisted of nothing better than sandy plains and ridges, in which the only sign of life to be met with was an occasional flock of birds or a famished aboriginal. The desert that filled his heart with despair in 1844 is no more dreaded now than the barren plains in which he

* Payne, *The Colonies* (1883), p. 106.

struggled during his first expedition. Speaking of the place at which he camped for six months, and which he described as "the only spot in that wide-spread desert where our wants could have been permanently supplied," Favenc says:—"In the ranges where Sturt spent his summer months of detention, there is now one of the wonderful mining townships of Australia, where men toil as laboriously as in a temperate zone; and the fires of the battery and the smelting furnace burn steadily, day and night, in sight of the spot where Poole [his second in command] lies buried."* Fifteen years after Sturt met with the disappointment which he felt so bitterly that he said, "I could calmly have laid my head on that desert never to raise it again," the draftsman of his expedition, McDowall Stuart, camped in the centre of the continent, where he found grass and water in abundance; and his track on a later expedition, in which he succeeded in making his way to the shores of the Indian Ocean, was afterwards followed in the construction of the great overland line of telegraph connecting Australia with the rest of the civilised world.

The prejudice in favour of the vast desert theory seems to have been so confirmed in the minds of Englishmen, that it continued to survive long after the results of later explorations showed its unsoundness. Western Australia, in particular, was regarded as almost unfit for settlement at any distance outside Perth, although Grey in 1837 and Frank Gregory in 1861 had done so much to show that good country is to be found there as well as elsewhere. A singular illustration of the prevalent ideas may be seen in a letter written by Sir William Denison from Sydney in 1857, in which he summarised the results of an expedition sent out under A. C. Gregory, in 1855, for the purpose of discovering traces of Leichhardt, and also exploring the country in the far north. The line of exploration began at the mouth of the Victoria River on the north-west coast, followed it up to its sources, crossed the watershed, thence back to the depôt—from which a fresh start was made eastward to the Roper; thence

* History of Australian Exploration, p. 141.

round the shores of the Gulf of Carpentaria to the Gilbert ; from which the explorers travelled in a south-easterly direction homewards. The journals kept during the expedition, which lasted sixteen months, do not give much precise information about the nature of the country traversed ; but although the reports brought back were not calculated to create a rush of stock-owners to the north, they were not so discouraging as to prevent the gradual extension of settlement which has since taken place. The exploration of the Victoria proved the existence of good pastoral country in that direction ; and even if the Plains of Promise did not realise the anticipations formed of them by their discoverer, they were at least seen to be well fitted for occupation. Now let us see how Denison described the results :—

Last year, or rather in 1855, an expedition was sent to explore the north-western part of the continent. The men returned a few weeks ago, and the result of the information obtained is, that Australia consists of a narrow belt of good land to the south, east, and north, varying from, say, 250 miles in width to 60. On the west coast the desert, which fills up the whole interior, abuts on the coast. In fact, five-sixths of the whole block of land is desert ; yet we constantly hear people talking of the destinies of this great continent as being similar to those of America ! The destinies of a dry, arid, unproductive country, without rivers or means of internal communication, what are they ? The people who talk in this way can have a very slight conception of the influence which water, and the means of water communication, exercise upon the destinies, as they term it, of a people.

The tone of this letter is enough to show the state of mind in which it was written. Denison was evidently pleased, as if he felt that the result of the expedition had entirely confirmed his own ideas on the subject. Australia was a desert, with just a narrow strip of coast line fit for occupation. Even that was some advance on Payne's account of the country—a vast desert, with a den of thieves and murderers at Botany Bay. Denison knew better than that, because he had been Governor of Van Diemen's Land before he came on to Sydney in 1855. Still he had the stereotyped English ideas on the subject, and "the people who talked of their destinies" seemed to him in need of a little caustic treatment. He could hardly have failed to

see that Gregory's observations did not even touch the question as to the character of "the whole block of land." That could not be answered even by a careful examination of all the explorations made since the Blue Mountains were passed. We have only to follow the track of each explorer upon the map in order to see how very limited the range of observation was in each case; and then, recollecting how much the result would necessarily depend on the seasons, the equipment of the party, and the skill, judgment, and experience of the leader, we can see how absurd it is to suppose that any one expedition could be held to determine the character of the unknown interior. It is not known even now, although the light of thirty years' additional experience has been thrown upon the subject; and it will not be known until the pressure of population is felt here as it is felt in older countries.

Although he made no mention of them in his letter, the actual facts of Gregory's expedition could not have been unknown to Denison. At the time he wrote he was Governor of New South Wales, and the report of an exploring expedition at that period—sent out by his own Government—would necessarily attract his attention. The peculiar representation of the matter which he thought fit to circulate in England can not be easily accounted for, unless we suppose that he was so much influenced by pre-conceived opinions as to be unable to state the case fairly. The letter he wrote in 1857 was published by him in 1870.*

School children in England and the colonies are still taught that "there are vast tracts in the interior of Australia which are absolutely desert, and for ever doomed to remain without inhabitants, these lying more to the west than to the east; and there are other large tracts that can produce only a scanty herbage fit for nothing but sheep-rearing, and in many cases not to be depended on in all years for that."† This statement—evidently written by

* *Varieties of Vice-regal Life*, vol. i, p. 381. Gregory's expedition left Sydney in July, 1855; Denison arrived in the January preceding.

† Longman's *School Geography for Australasia* (1888), p. 70. Compare these notions about the interior with the accounts given by Phillip of the native population, particularly with respect to its distribution—(pp. 140, 289). He supposed that the natives were confined to the coast, because he could not see how they

one who had no personal knowledge of the country—is not based on the evidence of recent explorers, but is a scientific deduction from the climatic peculiarities of the country, and the resemblance which they are supposed to bear to those of South Africa. Such a line of argument can not be safely applied to this country. Experience has shown that even actual observation is not always a reliable guide to theoretic conclusions. Oxley and Sturt, for instance, were both scientific observers, but each of them propounded a theory about “vast tracts in the interior,” which subsequent exploration proved to be a mere nightmare. They overlooked two important considerations in estimating the character and probable value of the country they criticised ; one being the effect of settlement on its physical features, and the other, the existence of accumulated stores of water beneath the surface. The nature and extent of the change brought about by occupation of new country can be accurately measured by those only who have witnessed it ; and perhaps more remarkable proofs of such changes could hardly be found than have frequently been seen here. In the days when Oxley and Sturt rode through the interior, like two Arab sheiks on the road to Mecca, men were only beginning to learn the lessons which Nature had to teach them. The sudden termination of large rivers in extensive marshes led Oxley to conclude that they discharged their waters into a great inland sea—a theory which he supported with as much confidence as if he had actually stood upon its shores. The buried waters which he and many others sought to trace in vain are now, after the lapse of seventy years, being brought to light for the first time by the Artesian bore ; and the experience of a few years will probably serve to settle the vexed question of physical geography which puzzled not only the explorer, but all the philosophers of his time.*

could possibly obtain any food in the bush. If the white men with their guns could not get enough to keep them alive, how could the blacks with their spears do it? The argument seemed conclusive ; and yet we know now that the interior carried a large population of natives, and that, as a rule, they were better fed than those on the sea-coast—(p. 552). But that knowledge was gained by slow degrees and by actual observation, which in Phillip's time was beyond reach.

* The inland sea theory is of much older date than Oxley. Its origin is explained in Flinders, vol. i, p. lxxiii.

The progress of settlement in that portion of the interior which not long ago was branded on the map as the Great Central Desert attracts so little attention, even among ourselves, that it is not surprising if it is wholly unknown beyond our own borders. It is only by an accident, as it seems, that any definite intelligence reaches us from the remote points occupied as outposts by the invaders of the wilderness. While these pages are being printed, a remarkable illustration of this fact presents itself in the shape of a telegram from Euriowrie, a post and telegraph station eight hundred and seventy miles north-west of Sydney, announcing the arrival of a caravan of sixty-three camels at Tibooburra a few days before, laden with goods for Euriowrie and Queensland. "They formed quite a procession through the town, each fastened by a gaily coloured cord in single file, the Afghan drivers being gorgeously attired in many coloured silks, shawls, gold lace, and turbans. The team has been thirty-six days coming from Farina on the trans-continental railway, and only one beast was lost on the trip of three hundred and fifty-five miles." A glance at the map will show that this Oriental substitute for the old bullock-team travelled through the country penetrated by Eyre in 1840, when he reached the summit of Mount Hopeless, and by Sturt in his famous journey of 1844-5, when he discovered Cooper's Creek. Each of those adventurous explorers, whom no difficulty or danger could deter, returned in despair from the scene of desolation that lay before him. Now we have a trans-continental line of railway from Adelaide to Port Darwin in course of construction through the heart of it, Farina being one of its stations—four hundred and seven miles north from the starting point, and near the range from which Eyre looked round him, in vain, to find some means of crossing Lake Torrens to the unknown country beyond it.

PART I.

NEW SOUTH WALES.

AMONG the various documents relating to New South Wales 1783 preserved in the Public Record Office in London, there are two remarkable papers in which the writers submitted their views to the Government of the day for the colonisation of the territory discovered by Captain Cook. Looking at them in the light of contemporary history, it will be seen that they form distinct links in the chain connecting the expedition of 1787 to Botany Bay with the great historical events of preceding years. The first of these papers, which bears date August 23rd, 1783, was written by a gentleman named James Maria Matra, who, though now wholly unknown, Proposal for colonising New South Wales. J. M. Matra. appears from his correspondence to have been a man of some note in the political world of his time. He is entitled to the credit of having made the first formal proposal for the colonisation of New South Wales; and there is little doubt that, although the project he submitted to the Government—the Coalition Government of Fox and Lord North was then in power—was not adopted in its original form, Origin of the Expedition of 1787. the ultimate scheme carried out by the Pitt Ministry was elaborated from the materials which he had put together.

From a letter addressed by Matra to Evan Nepean,* the Under Secretary for the Home Department, in October,

* Nepean's name is frequently met with in the official correspondence connected with the expedition to Botany Bay, and the subsequent colonisation of New South Wales. His name was given by Governor Phillip to the river Nepean on its discovery in 1789. He was Under Secretary when George

1783 1784, it appears that his proposal had been formally laid before the Government. He said:—

You will therefore do me a particular pleasure if, to the great trouble you have already taken in pushing forward this business for me, you would be so obliging as to tell me if the Ministry have come to a decided resolution to reject the plan; or if there be any chance of its being entered on in the spring season.

Lord
Sydney's
opinion.

It also appears from a note appended to his paper that Matra had been in personal communication on the subject with Lord Sydney,* who expressed an opinion to the effect that the new territory would be a suitable place for convicts. "When I conversed with Lord Sydney on this subject, it was observed that New South Wales would be a very proper region for the reception of criminals condemned to transportation." This intimation of his lordship's views led Matra to add some suggestions on that point; but he had not made any reference to it in his original sketch.

Pepper
Arden.

From another letter written by Matra to Nepean, it appears that Pitt's Attorney-General, Pepper Arden, had also been consulted in the matter, and that he had been supplied with some further information about the sailing route of

the Third summarily dismissed Fox and Lord North from office, on the 18th December, 1783, and was sent by the King with a verbal message to Lord North, requiring him to send the seals of office to the Palace by the hands of the Under Secretary. "It was one o'clock in the morning, and Lord North had retired to rest with Lady North, when Sir Evan Nepean knocked at his bed-chamber door, and desired to see him on most important business. 'Then,' said the discarded Minister, 'you must see Lady North too'; at the same time intimating his determination not to get out of bed. Sir Evan Nepean having accordingly been admitted and declared his errand, Lord North delivered to him the key of the closet in which the seals of office were kept, and then quietly turned round to sleep again."—Jesse, *Memoirs of George the Third*, vol. ii, p. 448; Massey, *Reign of George the Third*, vol. iii, p. 209, note. He was created a baronet in 1802; sat in the House of Commons, was sworn of the Privy Council, and held the offices of Secretary to the Admiralty and Chief Secretary for Ireland; being subsequently appointed one of the Lords of the Admiralty and also Governor of Bombay. He died in 1822.

* Post, pp. 423-8 —Thomas Townshend, Viscount Sydney, filled the office of Secretary of State for the Home Department in Lord Shelburne's short-lived administration of 1782-3, and subsequently filled the same office in Pitt's, which lasted from 1783 to 1801. He was raised to the Peerage in March, 1783, as Baron Sydney of Chislehurst, and in June, 1789, became Viscount Sydney of St. Leonards, county Gloucester. He held office until that year, and died in 1800.

the China ships—"the only difficulty"—added Matra—"I 1784
can think of in the way of the South Sea scheme."

The repeated and emphatic reference to Sir Joseph Banks, Sir Joseph Banks. which appears in the course of Matra's paper, shows that the distinguished naturalist had signified his approval of it in strong terms. It may be inferred that his personal influence with the Government, which was very great, had been exerted in favour of the project, and it was undoubtedly at his suggestion that Botany Bay was selected as the field of operations when it was resolved to colonise New South Wales. Thirteen years had passed since he had collected his botanical specimens about the shores of the bay, and during that time no movement had been made for the occupation of the country; although he had given strong Evidence before select committee. evidence in favour of it before a select committee of the House of Commons in 1779.

The Coalition Government having remained in office only a few months—from April to December, 1783—it is not Political difficulties. probable that any colonising project, however sound in itself, could have met with much consideration in the midst of the political uncertainties which surrounded the Cabinet. On the formation of Pitt's administration, Matra seems to have renewed his negotiations on the subject, and pressed the matter on the attention of Lord Sydney. It was referred by the Minister to Lord Howe,* the First Lord of the The Admiralty consulted. Admiralty, for his opinion of it, and the Admiral's ideas were communicated immediately afterwards in a remarkable letter to his lordship, dated 26 December, 1784:—

I return, my dear lord, the papers you left with me to-day, Lord Howe's opinion. which are copies only of the former sent to me on the same subject on Friday evening.

Should it be thought advisable to increase the number of our settlements on the plan Mr. Matra has suggested, I imagine it would be necessary to employ ships of a different construction.

* Lord Howe was appointed First Lord of the Admiralty on the formation of Pitt's Cabinet. He was George the Third's "favourite Admiral."
—Jesse, *Memoirs*, vol. iii, p. 204.

1785 Frigates are ill-adapted for such services. I conceive that ships of burthen to contain the various stores, provisions, implements, &c., wanted for the first colonists meant to be established there, and composing the chief part of the company of the ship, should be provided for the purpose; though an armed vessel of suitable dimensions might be previously appointed to inspect and fix on the preferable station for forming the intended establishment.

Frigates not
suitable.

No confi-
dence in the
scheme.

The length of the navigation, subject to all the retardments of an India voyage, do not, I must confess, encourage me to hope for a return of the many advantages, in commerce or war, which Mr. Matra has in contemplation.

Further
negotia-
tions.

The scheme being thus questioned by the Admiralty, no further action appears to have been taken with respect to it. It seems probable, however, that Matra, not satisfied with Lord Howe's unfavourable opinion of his project, determined to seek another channel for it, and for that purpose placed himself in communication with Sir George Young, who is described in a letter from Pepper Arden, the Attorney-General, to Lord Sydney, as "of the navy."* He appears to have thoroughly sympathised with Matra's ideas on the subject; his experience in the navy leading him to appreciate the prospective importance of a colony in the South Sea to the commerce as well as the naval power of the mother country. Guided by this experience, he prepared a condensed edition of Matra's proposals, presenting them in a shape somewhat more consistent with official views on the

Sir George
Young.

Naval
experience.

* Post, p. 429.—Sir George Young was an officer of distinction. He served at the taking of Louisburg in 1758, at Quebec in 1759, at the Havannah in 1762, and at Pondicherry in 1778. He was an admiral of the White squadron, and died in 1810, at the age of 78. Some confusion has existed between his name and that of a contemporary, Sir George Yonge (pronounced Young), who was Secretary of War in the Shelburne administration of 1782, and subsequently in Pitt's. Among the despatches from the English Government in 1792 may be seen a letter from Sir George Yonge addressed to Governor Phillip, dated from the War Office, 24 July, 1792. Sir George's name appears in the list of Ministers present at a meeting of the Privy Council, at which "the King's Most Excellent Majesty" presided, and which was held at the Court at St. James's, on the 15th December, 1786, "William Pitt, Esq.," being also present. It was then ordered that a second captain should be appointed to the "man-of-war that shall proceed with the transport vessels appointed to convey the convicts to Botany Bay," with power to command in the absence of the principal captain. Captain Hunter was appointed second captain, Phillip being the principal.

subject of colonisation. His plan was introduced to Lord Sydney's notice in a letter from Pepper Arden, dated 13th January, 1785, in the course of which he said,—“Lord Mansfield mentioned the subject to me, and desired Sir George Young would call upon me to explain his ideas.” 1785
Lord Mansfield.

Although there is no express allusion in Sir George's paper to Matra's proposals, no one can compare the two documents without seeing that the one formed the basis of the other—the only essential difference between them being that Sir George Young's sketch presented a condensed, and in some respects a more practical view, of the subject. The identity of the two schemes may be shown by analysing the arguments used by the two writers, and comparing them one with another. Briefly stated, those relied upon by Matra were as follows:— The two plans identical.

1. The proposed colony of New South Wales might 'in time atone for the loss of the American colonies.' Loss of America.

2. The new territory offered almost every conceivable inducement to colonisation. “The climate and soil are so happily adapted to produce every various and valuable production of Europe and of both the Indies that, with good management and a few settlers, in twenty or thirty years they might cause a revolution in the whole system of European commerce, and secure to England a monopoly of some part of it, and a very large share in the whole.” Climate and soil.

3. The colony might afford an asylum for the American colonists who had remained loyal and had suffered for their loyalty to the Crown during the war. These settlers might be expected to form the basis of the future population of New South Wales. The proposal for its settlement had met with the approval of many Americans of that class, who had been consulted on the subject with a view to their taking part in it. The American loyalists.

4. The expense of founding a settlement as proposed need not exceed £3,000. It would be sufficient, in the first instance, to despatch two ships of the peace establishment Expense.

1783-5 with two companies of marines and about twenty artificers, "who are all the emigration required from the parent State." These men could be left at the new settlement to prepare for the reception of the intended settlers. The ships could take in a supply of live stock, seed, and fruit-trees at the Cape of Good Hope.

Women from 5. One of the ships might be despatched from the colony to New Caledonia, Otaheite, and the neighbouring islands, "to procure a few families thence, and as many women as may serve for the men left behind."

Chinese. Sir Joseph Banks was of opinion that "any number of useful inhabitants" might be drawn from China, "agreeably to an invariable custom of the Dutch in forming or recruiting their Eastern settlements."*

Trade with the East. 6. The proposed colony would improve the trade with China, and open up commercial intercourse with Japan, Korea, and the Moluccas. The timber and flax of New Zealand might become articles of commerce, of great importance to the naval interests of England. "There is also a prospect of considerably extending our woollen trade."

Anti-emigrationists. 7. "Those who are alarmed at the idea of weakening the mother country by opening a channel for emigration" might console themselves by reflecting that "it is more profitable that a part of our countrymen should go to a new abode where they may be useful to us, than to the American States."

A naval station. 8. The geographical position of New South Wales might give it "a very commanding influence in the policy of

* The employment of Chinese in the settlement of new countries was a familiar idea down to a much later period. Dr. Lang, for instance, proposed a settlement of the kind for the cultivation of the tea-plant "at one of the northern settlements of New South Wales, as, for instance, at Port Macquarie . . . The Dutch have long been alive to the benefits likely to result to their nation from the settlement of numerous families of Chinese in their colonial territories. Chinese are very numerous in the city of Batavia."—*Historical Account of New South Wales*, 1st ed., 1834, vol. i, pp. 386-7.

Europe." In the event of war with Holland or Spain, it would furnish England with a naval station of the greatest value. 1783-5

9. The common apprehension of danger resulting to the mother country from voluntary emigration was not a matter for serious consideration, when viewed in connection with the commercial and political advantages to be derived from it. Balance of advantages.

10. Convicts might be transported to the new territory under much more favourable circumstances as regards expense and other practical considerations, than to any other country, and with far greater opportunities for their ultimate reformation. Economical considerations.

Such was Matra's line of argument. Sir George Young sketched the prospective advantages of the settlement in the following form :—

1. The geographical position of the country placed it within easy communication with the Spanish settlements in South America on the one hand, and with China, the Spice Islands, and the Cape of Good Hope on the other. The facilities for extensive trade thus disclosed were not all; for should war break out between England and Spain, English ships would then have the immense advantage of a great naval station in the South Sea. Trade.
Naval station.

2. The variety of soil and climate comprised within the territory would enable the colonists to produce almost all the products known to the commerce of European nations,—"not to mention the great probability of finding in such an immense country metals of every kind." Soil and climate.
Metals.

3. The settlement of "a territory so happily situated" would not only lead to the establishment of "a very extensive commerce," but would "greatly increase our shipping and number of seamen." In addition to many other products, the New Zealand flax plant might be largely cultivated, and by that means the English navy might be rendered independent of Russia for its supply of cordage and canvas. Commerce and shipping.
New Zealand flax.

1783-5

Islanders
and Chinese.

4. The settlement of the country would not tend to "depopulate the parent State," as the settlers would be principally collected from the Friendly Islands and China; the only men required from England being a few skilled workmen, who might be drawn from the ships sent out on the service.

The
American
loyalists.

5. The American colonists who had been loyal to the Crown in the War of Independence would find in New South Wales "a fertile, healthy soil, far preferable to their own," where they might be established "with a greater prospect of success than in any other place hitherto pointed out for them."

Expense.

6. The expense involved in carrying out this plan could not exceed £3,000, seeing that ships-of-war might be as cheaply fed and paid in the South Sea as in the British Channel.

Economical
transporta-
tion.

7. The expense of transporting felons might be considerably reduced by sending them to the new territory, while the danger of their returning from it would be much less than in the case of other countries. The transportation might be cheaply carried out by means of the China ships of the East India Company, which, by altering their route after leaving the Cape of Good Hope, might land the felons on the coast of New South Wales, and then proceed to their destination.

Origin of the
expedition
to Botany
Bay.

While the identity of these schemes is obvious, it is not less clear that they formed the starting-point of the expedition subsequently sent out. Although it assumed a very different shape when actually executed, we have only to read Lord Sydney's letter to the Treasury of the 18th August, 1786,* and the instructions to Governor Phillip on his departure, to see that the whole scheme, modified, as it was, by the exigencies of the transportation question, originated in the plan formulated by Matra and revised by Sir George Young. Very little is said in the official documents with reference to the commercial or political

* Post, p. 435.

advantages so forcibly urged by those gentlemen; the whole project had apparently dwindled down to a plan for ridding the country of its surplus criminals. Matra's idea was that the colony might be settled by the unfortunate loyalists scattered throughout the American colonies, who were at that time looking out for new homes. As it turned out, none of them emigrated to New South Wales; the expedition to Botany Bay was composed exclusively of convicts, with the military and civil officials required to govern them. The official instructions to Governor Phillip embodied two or three of Matra's suggestions—the cultivation of the New Zealand flax plant, and the despatch of a ship to the islands for the purpose of procuring women; but curiously enough, these suggestions were the only points of his project which proved impracticable. The flax plant was never cultivated in any part of New South Wales, and never realised the anticipations formed of it, even in Norfolk Island. Nor did Phillip make any attempt to bring women from the islands, knowing that "it would answer no other purpose than that of bringing them to pine away in misery." The proposal was a worse than thoughtless one.

1783-8

Relieving
the gaols.Flax and
Island
women.

But although the schemes elaborated by Matra and Sir George Young were not officially adopted by the Government, they appear to have been subjected to further revision at the hands of officials, the result being seen in the shape of a paper, without name or date, entitled—"Heads of a Plan for effectually disposing of convicts, by the establishment of a colony in New South Wales."* In this plan we find the details of the expedition to Botany Bay foreshadowed with remarkable precision. All mention of free settlers has disappeared, and from first to last the project is confined to a proposal for "effectually disposing of convicts." That these "heads of a plan" were drawn up by some one in the confidence of the Government is shown by the fact that, in his letter to the Treasury of the 18th

The official
plan.Disposal
of convicts.

* Post, p. 432.

1793-8 August, 1786, and also in his subsequent letter to the Admiralty, in which instructions were given for the equipment of the expedition, Lord Sydney made special reference to the paper :—"I enclose to your lordships herewith the heads of a plan upon which the new settlement is to be formed." A review of the records on this subject seems to show that in the interval of three years which elapsed between the date of Matra's project and the letters referred to, the proposals for colonising New South Wales had been subjected to several processes of revision, resulting in the plan finally adopted.

Sydney's
letters.

Revision of
proposals.

It is evident that the plans proposed to the Government were drawn up under very different influences from those which finally determined the matter. Both Matra and Sir George Young pointed to the American loyalists as the proper men to send out to New South Wales; they were practical settlers, accustomed to the struggles of colonial life, and they were entitled to the assistance of the Government in their search for new homes. But the Home Secretary was not troubled about the loyalists, while he was very much troubled about the convicts. The hulks and gaols were crowded with criminals condemned to transportation, and where were they to be sent when the American ports were no longer open?

Free settlers
rejected.

Colonisation
in the back-
ground.

Although Matra's proposal was ultimately shaped so as to suit the Minister's convenience, it is not possible to read his long-forgotten essay without seeing how clearly, even in the dim distance, the "heroic work of colonisation" occupied the background of the picture which represents the departure of the First Fleet for the shores of New South Wales. The mean proportions which the scheme assumed in Sydney's hands should not blind us to the fact that it originated in a desire to establish free settlers in a new colony, under conditions which would enable them to turn to account the great natural resources of the country, not only to their own benefit but to that of the nation.

Here he disappears from the page of history; but Sir George Young again becomes visible for a moment in the act of presenting a little petition to Sydney:—

To the Right Honorable Lord Sydney, one, &c.

The Petition of Sir George Young, Knight, and John Call, Esquire, in behalf of themselves and others, sheweth,—that your petitioners have it in contemplation to form a settlement on a small uninhabited island, first discovered by Captain Cook and by him named Norfolk Island, lying in the latitude 29° 2' south, and longitude 168° 16' east from Greenwich, in the Pacific Ocean; in order to promote the cultivation of the New Zealand flax-plant, and the growth of pine timber for masts, being persuaded that if they are fortunate enough to succeed in their undertaking, it will be attended with great national utility, by furnishing a future supply of those valuable articles—cordage and masts—for his Majesty's ships-of-war in India, which have hitherto been obtained at an enormous expense owing to the difficulty of conveying them thither, and from their scarcity have often reduced the maritime force employed in the East Indies to great inconvenience and distress.

Your petitioners therefore, considering the great expence and risque they must necessarily incur in prosecuting an enterprise in which, if they succeed, the nation cannot fail of being benefited, humbly solicit from his Majesty a grant to them and their heirs for ever of the said island, to be held of the Crown as of the Manor of East Greenwich.

London, May 24th, 1788.

The reticence which the Government had observed in connection with their plans for colonising New South Wales may be seen in the fact that even Sir George Young—who was in a position to obtain information from official sources—was ignorant of their intentions as regards Norfolk Island. At the time that he presented his petition, Lieutenant King had been in occupation of it for over three months; but Sir George had not even a suspicion that instructions had been given to Phillip to hoist the British flag there as soon as possible after his arrival.

TRANSPORTATION AND COLONISATION.

Convict labour in the foundation of colonies. THE employment of convicts in the formation of new colonies, a practice which probably originated in the ancient custom of employing slave labour on public works, was a common one among the colonising nations of Europe from the earliest times. By two edicts issued in 1497, the

Spain. Spanish Government authorised judicial transportation of criminals to the West Indies, and gave certain criminals the option of transporting themselves to Hispaniola (St. Domingo) at their own expense, to serve for a specified time under Columbus. The first Europeans who landed on

Portugal. the coast of Brazil were two convicts, who were left ashore by the Portuguese in 1500.* The commission given by the

France. King of France in 1540 to Jacques Cartier, or Quartier, as Captain-General on his second voyage to Canada, authorised him to choose fifty persons out of such criminals in prison as should have been convicted of any crimes whatever, excepting treason and counterfeiting money, whom he should think fit and capable to serve in the expedition. Another French expedition to Canada, which set sail in 1598 under the command of the Marquis de la Roche, carried forty convicts who were left on the Isle of Sables, about fifty leagues to the south-east of Cape Breton, for the purpose of forming a settlement there. In the same

England. manner, Sir Martin Frobisher was supplied, by the Queen's order, with certain "prisoners and condemned men" when he sailed in 1577 on his second voyage "for the discoverie of a new passage to Cataya, China, and the East India, by

* Post, p. 439.

the North-west," and also for the discovery of "golde mynes" among the icebergs. His instructions directed him to "sett on land upon the coast of Friesland vi of the condemned persons which you carie with you, with weapons and vittualls such as you may conveniently spare, to which persons you shall give instructions howe they may by their good behaviour wyn the goodwill of the people of that country, and also learn the state of the same."* And lastly, the colonists sent out to North America by the Government of Sweden in 1638, when Fort Christina in Delaware was founded, were composed largely of convicts from the prisons of Sweden and Finland. Frobisher's instructions.
Sweden.

It was natural that this system, once introduced, should be utilised for other purposes than that of laying the foundations of new settlements. The difficulty of obtaining free settlers for the work operated long after that stage in the history of a colony had been passed; and as the demand for labour in the colonies far exceeded the supply, the employment of prisoners became a matter of practical necessity as well as one of State policy. Difficulty of obtaining free settlers.

This difficulty was aggravated by another influence which operated largely in the same direction. Down to a comparatively recent period, the various States of Europe, so far from suffering from redundant populations, were harassed with the fear of losing that portion of them which formed the main reservoirs of their military strength. One result of this apprehension was a settled aversion to the emigration of able-bodied men to new countries, on the ground that it tended to depopulate the parent State. The "depopulation" theory became a potent factor, especially in England, in checking the tendency to emigration to the colonies, and continued to be so until the evils of a surplus population had grown into a great national question.† Anti-emigration theories.
"Depopulation."

* Hakluyt Society : The Three Voyages of Martin Frobisher, p. 118.

† Post, p. 440.

Over-crowded
gaols.

Arguments
for trans-
portation.

A third cause was at work throughout the same period and in the same direction; and that was the necessity for finding some effectual means for disposing of the convicted criminals who were always accumulating in the small, ill-constructed, and unwholesome gaols of former times. Transportation under such circumstances naturally became a favourite theory of penal discipline among reformers and philanthropists, the arguments in its favour being mainly these:—1, It freed the country from large numbers of the criminal classes, as well as from the dangers attending over-crowded gaols; 2, It was calculated to promote the prosperity of the colonies; 3, It offered a better prospect of reformation to the convicts who were sent abroad than could possibly be afforded them in the gaols; and 4, It served to mitigate the severity of the old criminal laws, which prescribed the penalty of death for many offences now punished with a few months' imprisonment. For these reasons the system held its ground firmly for fully three centuries.

Its duration.

Its commencement may be dated from the fifteenth century, and so far as England is concerned, it may be said to have terminated in 1867. The Portuguese, who are credited with having been "the first European nation to employ transportation and penal labour in the colonies as a mode of punishment,"* made large use of their Brazilian and other possessions for the reception of convicts. If they were the first to introduce this system for penal purposes, England was "the first country which systematically used her dependencies as places for the reception and punishment of convicts."† The transportation of convicts from England to the North American colonies began in the reign of James I, was largely resorted to in the time of Charles II, and early

The English
system.

* Merivale, *Lectures on Colonisation*, vol. ii, p. 3.

† G. C. Lewis, on the *Government of Dependencies*, p. 236. The Council of Foreign Plantations, established by Charles II in 1660, were instructed, among other things, "to inquire touching emigration and how noxious and unprofitable persons may be transplanted to the general advantage of the public and commodity of our foreign plantations."—Mills, *Colonial Constitutions*, p. 5.

in the eighteenth century was reduced to a regular system. One reason why it came so largely into use was because "it was found that the Government might save the expense of maintaining convicts by selling them as slaves for a term of years or for life, to a Virginia or Maryland planter."* Selling the convicts. The Government, of course, did not sell the convicts directly, but it empowered the shipowners who contracted for their transportation to sell them, by giving the former a statutory right of property in their service.† The Government transferred them to the contractors, who in their turn transferred them to the planters—the Government in that way relieving itself of all cost and responsibility. But although the system of contract was continued for some years when convicts were sent out to Australia, they ceased to be made the subject of actual sale. A different method of dealing with Assignment. them was adopted; the Government retained its control over them from first to last, paid for their transportation at a fixed rate, and afterwards‡ permitted their assignment to colonists on certain terms.

* Lewis, p. 257.

† Post, p. 447.

‡ "In 1824, by statute 5 George IV, c. 84, a new element was introduced into the system of transportation, by giving to the Governor of a penal colony a property in the services of a transported offender for the period of his sentence, and authorising him to assign over such offender to any other person."—Mills, Colonial Constitutions, p. 346. The element referred to was not altogether new. Governor Phillip was instructed to obtain an assignment to himself, from the masters of the transports in the First Fleet, of the servitude of the convicts on board for the remainder of the terms specified in their sentences; and he was authorised, in 1789, to assign to each grantee of lands in the colony any number of convicts that he might judge sufficient on certain conditions. The section (viii) of the Act referred to by Mills is as follows:—

And be it further enacted that so soon as any such offender shall be delivered to the Governor of the colony, or other person or persons to whom the contractor shall be so directed to deliver him or her, the property in the service of such offender shall be vested in the Governor of the colony for the time being, or in such other person or persons; and it shall be lawful for the Governor for the time being, and for such other person or persons, whenever he or they shall think fit, to assign any such offender to any other person for the then residue of his or her term of transportation, and for such assignee to assign over such offender, and so often as may be thought fit; and the property in the service of such offender shall continue in the Governor for the time being, or in such other person or persons as aforesaid, or his or their assigns, during the whole remaining term of life or years for which such offender was sentenced or ordered to be transported.

TRANSPORTATION TO AMERICA.

TRANSPORTATION to the American plantations is said to have become a common sentence in the English Criminal Courts about the time of the Restoration—1660.* Cromwell sent large numbers of his royalist prisoners to the West Indies ;† but although many convicts of all classes were afterwards sent there, they were few in comparison with the numbers sent to America. The extent to which transportation to that country was carried may be gathered from many casual references in the pages of contemporary writers. When, for instance, Bacon wrote in his Essays that “it is a shameful and unblest thing to take the scum of people and wicked condemned men to be the people with whom you plant,” he was evidently pointing to Virginia. He was a shareholder in the trading Company formed by London merchants and others for the purpose of colonising that country, and which, in 1608—the second edition of the Essays was published in 1612—sent out an expedition of nine ships with five hundred settlers on board. These men “were for the most part the very scum of the earth—men sent out to the New World because they were unfit to live in the Old.”‡ Speaking

Cromwell.

Bacon.

Early colonists.

* Kelynge's Reports, p. 45 :—"It having been lately used that for felonies within clergy, if the prisoner desire it, not to give book, but procure a conditional pardon from the King, and send him beyond sea to serve five years in some of the King's plantations, and then to have land there assigned to him, according to the use in those plantations for servants after their time expired ; with a condition in the pardon, to be void if they do not go, or if they return into England during seven years or after without the King's license." Kelynge was appointed Lord Chief Justice in 1665.

† Post, p. 455.

‡ Doyle, History of America, pp. 45-6.

of a later period, the same authority says:—"Most of the colonists were no better than criminals; indeed, the colony had got so evil a name in England that few respectable men would go out." De Foe, whose pictures of contemporary life are none the less reliable because they were used for the purposes of fiction, has left some remarkably graphic sketches of the transportation system, of the traffic in indented servants, and of the kidnapping practices to which it gave rise.* Not only were the gaols cleared from time to time by the removal of their inmates to the ships employed in carrying them over to the plantations, but the very streets of London and other large cities were swept by kidnappers in search of their prey. The method of dealing with the convicts and indented servants, who were shipped to the plantations in the West Indies as well as to those in America, is described by a historian of Jamaica, whose work was written and published at a time when information on the subject might be readily gathered from men's mouths, instead of being laboriously compiled from dusty records.* The author, seeking to justify the planters from the charge of cruelty to their slaves so often alleged against them, asserts that the cruelty was not practised by the planters but by their overseers, who were sent out to the plantations from England. The colonists were thus made to suffer in reputation for the vicious brutality of men thrust upon them by the English Government; and incidentally he remarks—"America has been made the very common sewer and dungyard to Britain." Similar language seems to have been frequently applied to the West Indies.† Perhaps the truth could hardly be better expressed than it is by Bancroft:—"The history of our colonisation is the history of the crimes of Europe."

De Foe.

West Indies.

Colonisation
and crime.

* Post, pp. 458-9, 460.

† "Yet there are authors who affect to describe the inhabitants of all the West Indies as a herd of criminals and convicts."—Edwards, *History of the West Indies*, vol. ii, p. 7. It was the fashion with many English writers of the eighteenth century, when alluding to colonists generally, to describe them in the manner complained of by Edwards.

Owing, however, to the absence of statistics on the subject, there are no very accurate means in the present day of ascertaining the extent to which transportation to America was carried during the period of one hundred and twenty years—say from 1650 to 1775—in which it may be said to have flourished. According to an official estimate,* written in 1787, the average annual number transported during the seven years from 1769 to 1775 was about 1,100. If we take the average number at 1,000 throughout the whole period, the result would be a total of 120,000. That estimate is probably within the mark, because it takes no account of the large numbers who were sent out for political offences after the rebellions of 1685, 1715, and 1745. Nor does it take any account of the offenders who were allowed to transport themselves—a privilege frequently granted in the case of men arrested on suspicion but not brought to trial, as well as in cases of conviction. In any case, therefore, it might be fairly assumed that while the total number of convicts of all classes transported to America could not have been less than 120,000, it was probably far larger. Dr. Lang mentions,* in his *Transportation and Colonisation*, that according to an estimate which Lord Auckland caused to be prepared in connection with the work entitled *Governor Phillip's Voyage*, the average number of convicts annually sent out to America amounted to 2,000. His own calculation is that the number did not exceed 500 annually, or a total of 50,000 altogether. But this estimate appears to be as much below the mark as Lord Auckland's seemed to him above it.

Number
transported
to America.

Official
estimate.

Lord
Auckland's
estimate.

Dr. Lang's.

President
Jefferson's

The reticence of American writers on this subject renders it difficult to obtain any exact information with respect to it. A curious instance of national sensitiveness may be seen in a statement made by Thomas Jefferson, the author of the Declaration of Independence, who was Governor of Virginia from 1779 to 1781, Minister at the Court of France

* Post, pp. 461-2.

from 1784 to 1789, and President of the United States from 1801 to 1809. In a note written for the information of the author of an article on the *Etats Unis* in the *Encyclopédie Méthodique*, he stated that "the malefactors sent to America were not sufficient in number to merit enumeration, as one class out of three which peopled America." And he added: "It was at a late period of their history that this practice began. I have no book by me which enables me to point out the date of its commencement. But I do not think the whole number sent out would amount to 2,000; and being principally men eaten up with disease, they married seldom and propagated little. I do not suppose that themselves and their descendants are at present 4,000, which is little more than one-thousandth part of the whole inhabitants."* Patriotic statistics.

It is not easy to reconcile this estimate—which bears no date, but was written about 1785—with that of the official charged with the transportation of convicts to America, whose letter on the subject has been already referred to. Jefferson's calculation was not based on any statistical or official information, and is evidently at variance with the facts as they appear in the records. Official statistics.

Later writers of American history would appear to have adopted the great President's views on this subject. Their pages may be searched in vain for any account of the transportation system, although it formed so conspicuous a chapter in the annals of American colonisation. The convict element in the composition of early American society has long since dropped out of sight; so much so, indeed, that it is difficult now to find even an allusion to it in the literature of the present century.† Disappearance of convict element The explanation is not

* Jefferson, Works, vol. ix, p. 254.

† Some indication of the difficulty of obtaining authentic information on this subject may be gathered from the fact that a correspondent's letter published in Notes and Queries for November 10, 1869, p. 369, asking for "trustworthy sources of information respecting the old system of transportation, as it existed prior to the American War of Independence," met with no reply. Another letter, requesting information as to what extent

difficult. The convicts, scattered over the immense territory of the plantations, were so rapidly absorbed in the general population that all traces of their identity were soon lost in the crowd; a result largely owing to the means of reformation afforded them by free grants of land and assistance in the work of cultivation.

Number
sent to New
South Wales.

Transportation to New South Wales ceased in 1841, and the total number of convicts sent out to the colony up to that date is calculated at 83,000.* Of this portion of its population it may be said that the process of absorption which took place in the American colonies has been witnessed here—largely accelerated by the great gold discoveries which began ten years after the system was discontinued. Those discoveries may be said to have dispersed the scattered remnants of the old convict days, as effectually, if not as rapidly, as bush fires have consumed the decayed vegetation of a forest.

Cessation of
the system.

Transportation to Van Diemen's Land and Norfolk Island ceased in 1853, and to Western Australia in 1867. For nearly eighty years, in face of all the accumulated evidence against it, this system was carried out as resolutely under one form of government as another—with the same faith in its equity under Lord John Russell in 1840 as under Lord Sydney over half a century before; and but for the determined resistance of the colonies to its continuance, it would probably have been in existence at the present day. So little do merely moral considerations avail, when weighed in the balance against political convenience.

Its sup-
porters
and its
opponents.

prisoners had been transported to the United States, appeared in the same periodical for December 11, 1886 (vol. ii, p. 476), to which several replies were sent; see vol. iii, pp. 58, 114, 193; vol. iv, pp. 134, 394; vol. v, p. 196.

* Post, p. 463.

THE EXPEDITION TO BOTANY BAY.

THE colonies in British America continued to receive convicts for some years after the Declaration of Independence by the United States in 1776, followed by the Treaty of Versailles in 1783, had put an end to the system of transportation to the States. Among the records of the Home Office are two warrants, dated 1783 and 1784, and addressed to the superintendent of the convicts on the river Thames, requiring him to deliver certain convicts then on board the hulks to the contractor for their transportation to America.* These warrants are sufficient to show that transportation to America did not, as is often supposed, entirely cease after the War of Independence.†

Quebec and
Nova Scotia.

When the independence of the United States was recognised by England, by the Peace of Versailles, the Government found itself under the necessity of finding some other outlet for the fast-accumulating population of the gaols. The coasts of Africa were at first thought of as the most suitable place for the reception of convicts, and many were sent there; but the unhealthiness of the climate proved so fatal to them that transportation to that country was wholly abandoned in 1785.

Africa.

* Post, p. 466.—It may be mentioned that when New South Wales became the scene of operations, the warrants for the delivery of convicts from the hulks to the contractors followed the American form.

† "The Recorder of London had a long conference with Lord Sidney on the subject of the present state of the prisons of the metropolis, and the number of convicts that are increasing to an alarming degree, owing to the delay of sending abroad those under sentence of transportation. The season is over for sending them to Quebec and Nova Scotia; but assurances have been given that two ships, properly fitted up, shall be ready by the latter end of March next, to carry convicts to America."—Annual Register, 1788, vol. xxx, Chron., p. 223, under date 8th December, 1788.

1787

The Govern-
ment policy.

The final determination of the Government was made known in a letter from Lord Sydney to the Lords of the Treasury, dated 18th August, 1786 :—

Over-
crowded
gaols.

The several gaols and places for the confinement of felons in this kingdom being in so crowded a state that the greatest danger is to be apprehended, not only from their escape but from infectious distempers which may hourly be expected to break out amongst them, his Majesty, desirous of preventing by every possible means the ill consequences which might happen from either of these causes, has been pleased to signify to me his royal commands that measures should immediately be pursued for sending out of his kingdom such of the convicts as are under sentence or order of transportation.

African
exploration.

The Nautilus, sloop, which, upon the recommendation of a Committee of the House of Commons, had been sent to explore the southern coast of Africa, in order to find out an eligible situation for the reception of the said convicts, where, from their industry, they might soon be likely to obtain means of subsistence, having lately returned, and it appearing by the report of her officers that the several parts of the coast which they examined between the latitudes 15° 50' south and the latitude of 33° are sandy and barren, and from other causes unfit for a settlement of that description, his Majesty has thought it advisable to fix upon Botany Bay, situated on the coast of New South Wales, in the latitude of about 33° south, which, according to the accounts given by the late Captain Cook, as well as the representations of persons* who accompanied him during his last voyage, and who have been consulted upon the subject, is looked upon as a place likely to answer the above purposes.

Botany Bay.

Ships to be
provided.

I am therefore commanded to signify to your lordships his Majesty's pleasure that you do forthwith take such measures as may be necessary for providing a proper number of vessels for the conveyance of seven hundred and fifty convicts to Botany Bay, together with such provisions, necessaries, and implements for agriculture as may be necessary for their use after their arrival.†

It would appear from this letter that the sole motive of the expedition to Botany Bay was to relieve the gaols.

* Sir Joseph Banks was the confidential adviser of the Government on matters relating to Botany Bay.

† The rest of this letter will be found post, p. 435.

But there is abundant evidence to show that other and higher considerations had been at work for some time previously; and that although the relief of the prisons was the immediate object in view, the real motives which led to the expedition were of a much larger and more statesman-like character. 1786
Reasons for the expedition.

The work of colonisation had so long been associated in the minds of colonising nations with the employment of convict labour that, when a new colony was projected, the despatch of convicts to its shores was usually accepted as an indispensable part of the programme. This fact in the history of colonisation has so far been lost sight of by many writers in the present century, that transportation to Botany Bay has generally been treated as the central idea of the whole movement; and its history has too often been written as if "the new intended settlement" was from the first intended to be nothing more than a strictly penal one—a mere substitute for hulks and penitentiaries. Colonisation and convict labour.

Undoubtedly there is some colour for this view of the matter. When the Government had determined to form a settlement on the coast of New South Wales, they did not announce that they were about to do so, but contented themselves with an intimation that they proposed to transport a number of felons in order to relieve the gaols. In the speech with which George the Third opened Parliament on the 23rd January, 1787, the only reference to the subject was the following:— Government proposals.

A plan has been formed, by my direction, for transporting a number of convicts in order to remove the inconvenience which arose from the crowded state of the gaols in different parts of the kingdom; and you will, I doubt not, take such further measures as may be necessary for this purpose.* The King's Speech.

Nor was anything said about the matter in the debate on the address in reply, beyond a remark from the mover to the effect that transportation was a measure of absolute No debate.

* Parliamentary History, vol. xxvi, p. 211.

1786 necessity, "no penitentiary houses having been built, though an Act had passed for their erection."

Official
reticence.

Judging from the extremely curt allusion to the matter in the King's speech, it would appear that the Government did not think it expedient to invite discussion with respect to their colonising project. No debate seems to have taken place at any stage of the business, even the bill "to enable his Majesty to establish a Criminal Judicature on the eastern coast of New South Wales and the parts adjacent" having passed without comment.* The measure seems to have been treated as if it contained nothing beyond a provision for the disposal of felons. Possibly the Government may have been influenced by the objections urged in different quarters to any proposal for the establishment of a new colony. They had to encounter objections from the East India Company to any interference with their commercial monopoly; objections from philosophers who considered colonies a source of weakness to the mother country; objections from critics who looked upon the eastern coast of New Holland as, "perhaps, the most barren, least inhabited, and worst cultivated country in the Southern Hemisphere"†; and objections from humanitarians who argued that, if the Government "had chosen to embrace the single purpose of forming a settlement at Botany Bay, they would be justly censurable in inviting the industrious and reputable artisan to exchange his own happy soil for the possession of territory, however extensive, in a part of the world as yet so little known."‡

Objections
to Govern-
ment policy.

Sources of
the move-
ment.

But notwithstanding the indifference with which the proposed expedition appears to have been received in political circles, a glance at contemporary history is enough to show that there were other objects in view in the minds of English statesmen besides the relief of overcrowded gaols. In the first place, the loss of the American colonies naturally

* There is no reference to the bill in the Parliamentary History for 1787.

† Post, p. 467.

‡ The History of New Holland, 1787, preface, p. v.

provoked a desire to found other colonies, which in course of time might compensate England for them; and in the second place, there was the clear political necessity of occupying the territory discovered by Captain Cook, in order to prevent its occupation by the French. 1786

The sequence of events during the twenty-five years which preceded the expedition under Governor Phillip is too strikingly suggestive to be overlooked. We have only to review the great historical occurrences of that time in order to see the connection between them. Historical events.

1. The Peace of Paris in 1763 put an end to the long struggle between France and England for the possession of Canada and India. The French having lost both, it was inevitable that they should seek to retrieve the disaster by fresh discoveries in other parts of the world. Peace of Paris, 1763

2. Accordingly, an expedition of discovery in the South Sea was despatched under the command of Louis de Bougainville, Colonel of Foot and Commodore, in 1766. He sailed round the world—the first achievement of the kind in the history of French navigation—and discovered various islands in the Pacific Ocean. De Bougainville, 1766.

3. The English expedition under Captain Cook, “for making discoveries in the southern hemisphere,” followed in 1768, and the publication of his voyages in 1773 directed attention to one of the greatest fields for colonisation that had yet been made known. Cook, 1768.

4. The French Government despatched another expedition in 1772, under Captain Marion Du Fresne, to make discoveries in the Southern Ocean. He touched at Van Diemen’s Land and New Zealand, but added little or nothing to their geography. Marion, 1772.

5. A second expedition under Captain Cook was despatched in 1772 for the purpose of making discoveries in the unexplored part of the southern hemisphere. New Caledonia and Norfolk Island were discovered on this voyage. Cook, 1772.

1786 6. A third expedition under the same commander was
Cook, 1776. sent out to the Pacific Ocean in 1776, to make discoveries
in the northern hemisphere.

Peace of
Versailles,
1783. 7. By the Peace of Versailles in 1783, England recognised
the independence of the American colonies, which were thus
finally lost to her.

La Pérouse,
1785. 8. The French Government sent out a third expedition in
1785, under the command of La Pérouse, for the purpose of
making discoveries and also examining portions of New
Holland and New Zealand.

Phillip, 1787. 9. In 1786 Botany Bay was fixed upon as the site of the
intended settlement on the coast of New South Wales, and
in May, 1787, the fleet sailed under the command of Gover-
nor Phillip, whose last lines from England showed how
thoroughly he appreciated the national importance of the
work in which he was engaged.

These events lead to the conclusion that, whether Lord
Sydney and his colleagues confined their attention to the
state of the gaols or not, there was a motive-power of a
very different character at work, irresistibly impelling them
to undertake the colonisation of New South Wales.*

* Lucas, Introduction to a Historical Geography of the British Colonies,
p. 103.

PHILLIP'S COMMISSION.

IF there were any serious doubt as to the real nature of the expedition on which Phillip was despatched, it might be settled by reference to the terms of his Commission, illustrated as it is by the official Instructions which accompanied it.* There is certainly nothing in the former that could lead the reader to suppose that the sole object of the expedition was the establishment of a penal settlement; nor could a stranger to our history even gather from it that such a settlement was contemplated. The Commission conferred much the same powers on Phillip as those with which the Governors sent out to the colonies and plantations in North America and the West Indies used to be invested in days when "assemblies of freeholders" were unknown. All these Commissions seem to have been framed more or less on the same lines, and according to precedents established in the early days of the colonial system;* the points of difference observable among them being attributable to difference in the positions occupied by the various Governors—some being appointed to Crown colonies, others to colonies possessing legislative institutions. Phillip was sent out as the Governor of a Crown colony, and consequently there was practically no limitation of his powers.† He was appointed "Captain-General

1787

Scope of
Commission.Plantation
precedents.Crown
colonies.

* Post, pp. 474, 481, 487.

† A good illustration of the manner in which Governors of the old school used to interpret their Commissions will be found in Edwards, *History of the West Indies*, vol. ii, page 395 :—"Mr. Stokes, the late Chief Justice of Georgia, relates that a Governor of a province in North America (at that time a British colony) ordered the Provost-Marshal to hang up a convict some days before the time appointed by his sentence and a rule of Court

1787
The
territory
defined.

and Governor-in-Chief in and over our territory called New South Wales, extending from the northern Cape or extremity of the coast called Cape York to the southern extremity or South Cape,* and of all the country inland westward as far as the 135th degree of east longitude, including all the islands adjacent in the Pacific Ocean; and of all towns, garrisons, castles, forts, and all other fortifications or other military works which may be hereafter erected upon the said territory or any of the said islands."

Colonisation
intended.

The jurisdiction thus created was evidently designed to answer a higher purpose than that of establishing a place for the reception of convicts. Any of the adjacent islands in the Pacific Ocean—Norfolk Island or New Caledonia, for instance—might have been sufficient for that purpose, and might probably have been even better adapted to it than the mainland; but the territory placed under Phillip's administration comprised the best half of New Holland, and taking possession of it was in fact taking possession of the whole. That the intention of the British Government in occupying New South Wales was to colonise it is further shown in the direction—"that you take the oath required to be taken by Governors in the plantations, to do their utmost that the several laws relating to trade and the plantations be duly observed." The laws referred to were the celebrated Trade and Navigation Laws, passed for the

Trade and
navigation
laws.

for his execution. "He meant well," says Stokes, "but being a military man, conceived that as he had power to reprieve after sentence, he had power to execute also when he pleased, and the criminal was actually hanged as the Governor ordered, nor could his Excellency be persuaded that, by this very act, he was himself committing felony." And of another military Governor, it is said that he "took it into his head to suspend a gentleman from his seat in the Council, for no other reason than marrying his daughter without his consent."

* By the South Cape was then meant the southern extremity of Van Diemen's Land, discovered and named by Tasman. "A point much like the Ram Head, off Plymouth, which I take to be the same that Tasman calls South Cape, bore north four leagues off us."—Captain Furneaux's Narrative, 9 March, 1773. Van Diemen's Land was supposed, until the discovery of Bass's Straits, to form part of New Holland. "Van Diemen's Land has been twice visited before. I need hardly say that it is the southern point of New Holland."—Cook's Third Voyage, vol. i, p. 103, January, 1777.

purpose of keeping the colonial trade in the hands of British merchants; but unless it was intended that New South Wales should be colonised and commercial relations established between it and the mother country, the reference to those laws would have been curiously out of place in Phillip's Commission.* 1787

The several powers and authorities conferred upon him were such as would be required for the establishment of a civil government in any new settlement, of whatever elements its population might be composed. He was empowered—(1) to keep and use the "Great Seal of our said territory and its dependencies"; (2) to administer oaths; (3) to appoint Justices of the Peace, coroners, constables, and other necessary officers, for the administration of justice; (4) to grant pardons and to remit fines; (5) to grant custody of idiots and lunatics; (6) to levy forces for defence; (7) to execute martial law in time of invasion or at other lawful times; (8) to build and arm fortifications for defence; (9) to punish mutiny in ships-of-war according to martial law; (10) to punish offences committed on shore by men belonging to the navy; (11) to issue public moneys by warrant; (12) to grant lands; (13) to appoint fairs, marts, and markets, and also ports and harbours for shipping.

Powers
granted by
the Com-
mission.

* The extent of the restrictions placed upon the colonies at that time with respect to their commercial relations with other countries may be understood from the following passage in the preface to the History of New Holland, 1787, page viii:—"Botany Bay and the rest of New South Wales may be rendered, in the hands of this nation, a more important instrument for the improvement of her commerce; a passive instrument, it is true; for notwithstanding the extent of its coast, that country, supposing it already colonised, can never, while the charter of the East India Company exists, possess a commerce of its own. It might, perhaps, appear impossible to prevent the inhabitants of a whole colony, especially if increased to any magnitude, from becoming merchants on their own account; but besides the restriction which it is in the power of the mother country to impose, a single Act of the Legislature, rendering any person possessed of property in Great Britain or Ireland disqualified to become possessors of fixed property in New South Wales would, it is imagined, go a great way to effect such a prevention. Thus the traffick, in particular, of the English East India Company, would be as inaccessible to the colonists of New South Wales, though settled on the borders of the East, as to the inhabitants of the island of St. Helena."

1787 Equally significant is the following passage in the Instructions with reference to Norfolk Island :—

Norfolk
Island to be
occupied.

Norfolk Island being represented as a spot which may hereafter become useful, you are, as soon as circumstances will admit of it, to send a small establishment thither to secure the same to us, and prevent its being occupied by the subjects of any other European Power.

French
designs.

The only other Power which was at all likely to occupy Norfolk Island was France ; and the order to take possession of it as soon as possible shows that the probability of its being occupied by the French was distinctly present to the mind of the British Government. The repeated injunctions conveyed to Phillip to lose no time in sailing with his fleet and in disembarking on his arrival, point to the same conclusion. Possibly it was apprehended that the expedition sent out by the French Government in 1785, under the command

La Pérouse.

of La Pérouse,* included some design to occupy the great territory discovered by Captain Cook. That such an apprehension would not have been altogether an unreasonable one under the circumstances—although, as a matter of fact, it would have been unfounded—is a very natural inference from the chronic state of jealousy which then existed between the two Powers. There is nothing, however, in the “Private Instructions from the King to the Sieur de la Pérouse,” published by the French Government with the narrative of his voyage, that can be said to justify the suspicion. He was directed to examine the north and west coasts of New Holland ; consequently he could not have had any design upon the east or south coast. During his stay in Queen Charlotte’s Sound, he was to “gain intelligence whether the English have formed, or entertain

His
instructions.

* The name is sometimes spelt Peyrouse, as, for instance, in Phillip’s Voyage, where it is stated that the latter “is the right form of that officer’s name” ; p. 68 n. But as it is spelt Pérouse in the authorised French edition of his voyage, published in 1799, and also on the medal struck on the occasion of the expedition, there can be little doubt that Peyrouse was not then considered the right form of the name in France ; although it may have been the antiquated form of it.

the project of forming, any settlement on these islands (of New Zealand); and if he should hear that they have actually formed a settlement, he will endeavour to repair thither in order to learn its condition, strength, and object.”* From which it would appear that, although the voyage was one of discovery, it was also designed to be the means of acquiring information with respect to new settlements by the English in New Zealand. It would also seem that the French Government had entertained the project of occupying those islands even at that time.†

1787

English settlements to be watched.

Although it is tolerably clear from La Pérouse's instructions that the French Government had no intention of anticipating the British in their occupation of New South Wales, a strong impression to the contrary has always prevailed in some quarters. The idea seems to have been suggested by the track of the French ships, as marked on the chart of their voyage from Kamschatka to Botany Bay. But if any suspicion as to their intentions had occurred to Governor Phillip, he would not have omitted to mention it in his first despatch from Sydney Cove, when referring to the French ships. It may also be assumed that either Captain Hunter or Lieutenant King, of the *Sirius*, would have made some allusion to it, when writing on the subject. But neither they, nor Judge-Advocate Collins, nor Captain Tench, each of whom also made specific reference to it, appear to have had any impression of the kind. The records left by these authorities point distinctly the other way. Captain

Prevalent impression as to French movements.

No suspicion entertained by Phillip or his officers.

Contemporary opinions.

* *A Voyage Round the World, under the Command of J. F. G. de La Pérouse.* Translated from the French, 1799, vol. i, p. 27. The last lines written by the unfortunate navigator convey the information he had obtained during his stay at Botany Bay with respect to Phillip's expedition.

† The apprehension of French settlement on the coast of New South Wales continued to agitate the British mind for many years after Phillip left the colony. During Governor King's administration, 1800-1806, the excitement caused by this apprehension reached its climax when the ships sent out by Napoleon in 1800 were known to be cruising in these seas. To appreciate the reasons for the excitement, the reader has only to compare Péron's *Voyage de Découvertes aux Terres Australes*, published by the French Government in 1807, with the *Voyage to Terra Australis*, written by Flinders and published in 1814.

1787 Tench, for instance, in the lively account he gives of the unexpected appearance of the strangers, says:—

Alarm on
board the
Fleet.

“By this time the alarm had become general, and everyone appeared lost in conjecture. Now they were Dutchmen sent to dispossess us, and the moment after, store-ships from England, with supplies for the settlement. The improbabilities which attended both these conclusions were sunk in the agitation of the moment. It was by Governor Phillip that this mystery was at length unravelled, and the cause of the alarm pronounced to be two French ships which, it was now recollected, were on a voyage of discovery in the southern hemisphere. Thus were our doubts cleared up and our apprehensions banished.”*

Southern
coast open
to French
explorers.

It seems to have been forgotten that, if the French Government had intended at that time to take possession of any part of the east coast of New Holland, there was nothing to prevent La Pérouse from exploring to the southward of Point Hicks, and hoisting the French flag at any place he pleased in that direction. The country of which Captain Cook took possession on the 21st August, 1770, extended from latitude 38°—Point Hicks—to latitude 10½ south; but although the territory claimed in Phillip's Commission covered the whole of the coast line from Cape York to the South Cape, and all the country inland westward as far as the 135th degree of east longitude, it was still open to the French to claim, by virtue of prior discovery, any

* Narrative of the Expedition to Botany Bay, p. 50.—The latest reference to French designs appeared in an article published in the London *Globe* newspaper on the 26th January, 1888, on the occasion of the New South Wales Centenary, in which the writer said:—“It is not generally realised that a matter of no more than three days prevented New South Wales from becoming French instead of British territory, and very possibly from remaining so to this hour—to the exceeding simplification of the question of recidivists and Nouméan *évadés*. It was a race to Botany Bay between Captain Phillip, riding for England, and de La Pérouse, riding for France; and Captain Phillip's fleet beat the Boussole and the Astrolabe by just three days. De la Pérouse arrived to find the first English Governor in possession; submitted to the inevitable with national courtesy; and sailed off—to be lost on a coral reef, and to have his fate wrapped in mystery for forty years. The birth of New South Wales, as a colony, took place therefore under more than ordinary romantic circumstances. . . . The whole past history of Australasia, in the largest sense, has hung upon that accident.”

part of the territory not included in Cook's boundaries, or not actually occupied by the English. Had the exploration of the southern coast, made by Baudin in 1801-2, not been anticipated by Flinders, it is difficult to see how the right of the French to occupy the territory they claimed could have been denied; still more so had La Pérouse thought proper to explore to the southward of *Pointe de Hick*, instead of passing his time idly in Botany Bay. In that case the territory now included in the boundaries of Victoria and South Australia might have been added to the French dominions. The reason why he did not do so may, perhaps, be found in the statement made by Collins when referring to his departure.* He felt so little interest in the country that he did not think it worth his while to examine it. French opinion on that subject, however, was considerably changed in 1800, when Consul Bonaparte despatched the expedition under Baudin for the purpose of making discoveries—apparently with a view to the annexation of all the unoccupied territory that could be found. The *Terre Napoléon*, which figures so prettily on the map published with Péron's *Voyage*, is a significant illustration of the great Emperor's ambition.

1787

Territory
saved by
Flinders.

La
Pérouse's
opinion of
the country.

* "On or about Monday, the 10th of March, the French ships sailed from Botany Bay, bound, as they said, to the northward, and carrying with them the most unfavourable ideas of this country and its native inhabitants; the officers having been heard to declare that in their whole voyage they nowhere found so poor a country nor such wretched, miserable people."—Vol. i, p. 20.

PREPARATIONS FOR THE EXPEDITION.

1787 THE instructions sent from Whitehall to the Treasury and the Admiralty by Lord Sydney for the equipment of the ships required on the expedition appear to indicate all the deliberation which might be expected on such an occasion. As it turned out, however, there was but too much reason for the complaints made on the subject by Governor Phillip. There was evidence of so much neglect and inattention to the most essential matters that, judging from his repeated remonstrances, it would appear as if the necessary preparations had been left to take care of themselves. For the negligence displayed in almost every instance, the contractors and subordinate officials charged with the management of details were no doubt mainly responsible: but seeing that the expedition was formed for the avowed purpose of founding a colony as well as transporting convicts, it is singular that so little precaution should have been taken to ensure its success. That it did meet with success must be largely attributed to the prudence, sagacity, and foresight displayed by Phillip, from the time he assumed command of it to the day when he left the colony.

Defective
organiza-
tion.

Want of
precaution.

Conspicuous
defects.

Some idea of the difficulties he had to contend with from the first, and which might have been avoided by proper attention to the actual requirements of the expedition, may be gathered from the following facts:—

1. The convicts put on board the transports, numbering seven hundred and fifty-six in all, of whom five hundred and sixty-four were men and one hundred and ninety-two

were women, were not by any means adapted to the work of colonising. Instead of being selected for their probable usefulness on landing in a new country, as labourers and skilled workmen, they were mostly unfit for any useful employment. Fifty-two of them were incapacitated for work of any kind by old age and incurable complaints, and consequently had to be kept on the sick list after their arrival, at a time when the infant colony was threatened with starvation. 1787

Useless
colonists.

2. The convicts were put on board without sufficient supplies of clothing, a neglect especially felt in the case of the women; and the hardship was aggravated by the want of such simple necessities as needles and thread, so that when their clothes fell to pieces they could not be repaired. Clothing
neglected.

3. The supply of anti-scorbutics on board the fleet was very insufficient. The outbreak of scurvy at sea was prevented by the supplies of fresh provisions obtained at Teneriffe, Rio, and the Cape; but when it broke out after the arrival at Port Jackson, the medical staff found themselves without the necessary means of treatment for the sick. Scurvy.

4. Although Governor Phillip was instructed to "proceed to the cultivation of the land" immediately after his arrival, under the idea that the convicts would be able to provide the means of subsistence, and for that purpose supplies of seed, grain, and farming implements had been put on board the ships, no men were sent out who had any knowledge of farming or of the management of stock. No farmers.

5. The number of carpenters among the convicts was so small—there were only twelve, and several of them were sick on their arrival—that ships' carpenters had to be hired from the fleet. A similar difficulty presented itself in the case of other mechanics required in the construction of houses and public buildings.* Mechanics
wanted.

* The same mistake was made when H.M.S. *Calcutta* was sent out in 1803 to establish a colony at Port Phillip. "The people wherewith you plant," says Lord Bacon in his *Essay on Plantations*, 'ought to be

1787
Practical
sciences.

6. There were no men on board the fleet who had any knowledge of useful sciences, such as botany, geology, mineralogy, and natural history; and consequently there was no means of ascertaining the various resources of the country, and applying the knowledge to the wants of the settlement.

Skilled
workmen.

7. Nor were there any persons skilled in technical arts, such as flax-dressing, although the Governor was instructed to cultivate flax as a means of acquiring clothing for the convicts, as well as for maritime purposes.

No over-
seers.

8. No persons were sent out in charge of the convicts in the capacity of overseers or superintendents; and as the Governor was consequently under the necessity of selecting such officers from among the convicts, the difficulty of maintaining order among them was much greater than it would otherwise have been.

The military
and the
Governor.

9. No instructions were conveyed to the officers of the marines for the purpose of ensuring their obedience to the Governor's orders; the consequence being that they were no sooner encamped than they refused to obey any orders outside their ordinary duty, insisting that they would not interfere with the convicts under any circumstances, except as a garrison force.

The law
courts.

10. The Judge-Advocate appointed to preside over the Courts of civil and criminal jurisdiction was a captain of marines, without any legal training or experience; and although those Courts were instructed to administer justice "according to the laws of England," the presiding judge had no qualifications of the kind required for a purely

gardeners, ploughmen, labourers, smiths, carpenters, joiners, fishermen, fowlers, with some few apothecaries, surgeons, cooks, and bakers.' How little such a selection is attended to in the transportation of convicts to New South Wales was sufficiently exemplified on board the *Calcutta*, where, out of three hundred and seven convicts, there were but eight carpenters and joiners, three smiths, one gardener, twenty labouring farmers, two fishermen, nine taylor, and four stonemasons. The remainder may be classed under the heads of gentlemen's servants, hair-dressers, hackney coachmen, chairmen, silk-weavers, calico-printers, watch-makers, lapidaries, merchants' clerks, and *gentlemen*."—Lieutenant Tuckey, *Account of a Voyage to establish a Colony at Port Phillip*, 1805, p. 231.

judicial position. The Governor was thus left without any legal advice on which he could rely, and law was administered on strictly military principles. 1787

These were some of the difficulties which Phillip had to encounter day by day, and which were, no doubt, doubly trying to him from the fact that they might have been so easily avoided by proper attention in the first instance. But serious as they were, they were greatly aggravated by the subsequent despatch of convict ships, one after another, at a time when the settlement was suffering from want of the actual necessities of life; ships, too, sent out with so little regard for human life that pestilential fevers broke out among their wretched passengers, carrying off large numbers of them at sea, and leaving the rest in so disabled a state that on their arrival they had to be kept in hospital among a starving population. The Second Fleet.

From the time of his appointment to that of his departure on the 13th May, 1787, Phillip—judging from his correspondence—appears to have been energetically employed in supervising the arrangements made for the expedition, inquiring into various details connected with it, and otherwise preparing for his new sphere of action. How minutely he examined every point that presented itself to his mind at this time may be seen from a “memo.” preserved in the Record Office, bearing no date, but evidently written soon after he had received his appointment. It contains a striking passage, in which, as on other occasions, he expressed his opinion of the great future which lay before the colony:— Phillip's attention to details.

By arriving at the settlement two or three months before the transports, many and very great advantages would be gained. Huts would be ready to receive the convicts who are sick, and they would find vegetables, of which it may naturally be supposed they will stand in great need, as the scurvy must make a great ravage amongst people naturally indolent and not cleanly. Preparations to receive transports.

Huts would be ready for the women; the stores would be properly lodged and defended from the convicts, in such manner as

1787 to prevent their making any attempt on them. The cattle and stock would be likewise properly secured, and the ground marked out for the convicts; for lists of those intended to be sent being given to the commanding officers, mentioning their age, crimes, trades, and character, they might be so divided as to render few changes necessary, and the provisions would be ready for issuing without any waste. But if convicts, provisions, &c., must be landed a few days after the ships' arrival, and consequently nearly at the same time, great inconvenience will arise, and to keep the convicts more than a few days on board, after they get into a port, considering the length of time which they must inevitably be confined, may be attended with consequences easier to conceive than to point out in a letter. Add to this, fevers of a malignant kind may make it necessary to have a second hospital.

Inconveni-
ences appre-
hended.

Peculiar
difficulty
of the case.

A ship's company is landed, huts raised, and the sick provided for in a couple of days; but here the greater number are convicts, in whom no confidence can be placed, and against whom both person and provisions are to be guarded. Everything necessary for the settlement would be received at the Cape on board by the commanding officer, and nothing left for the transports but a certain proportion of live stock.

Manage-
ment on
board.

The confining the convicts on board the ships requires some consideration. Sickness must be the consequence in so long a voyage (six months may be allowed for the voyage—that is, from the time of leaving England to the arrival in Botany Bay), and disagreeable consequences may be feared if they have the liberty of the deck. The sooner the crimes and behaviour of these people are known the better, as they may be divided, and the greatest villains particularly guarded against in one transport.

The women.

The women in general, I should suppose, possess neither virtue nor honesty. But there may be some for theft who still retain some degree of virtue, and these should be permitted to keep together, and strict orders to the master of the transport be given that they are not abused and insulted by the ship's company—which is said to have been the case too often when they were sent to America.

Invalids in
port.

At the ports we put into for water, &c., there may be some sick that may have fever of such a nature that it may be necessary for the safety of the rest to remove them out of the ship. In such a case, how am I to act?

The greatest care will be necessary to prevent any of the convicts from being sent that have any venereal complaints. During the passage, when light airs or calms permit it, I shall visit the transports to see that they are kept clean, and receive the allowance ordered by Government; and at these times shall endeavour to make them sensible of their situation, and that their happiness and misery is in their own hands; that those who behave well will be rewarded by being allowed to work occasionally on the small lots of land set apart for them, and which they will be put in possession of at the expiration of the time for which they are transported.

1787

Inspection
and exhorta-
tion.

On landing in Botany Bay, it will be necessary to throw up a slight work as a defence against the natives—who, though only seen in small numbers by Captain Cook, may be very numerous on other parts of the coast—and against the convicts; for this, my own little knowledge as a field engineer will be sufficient, and will be the work of a few days only; but some small cannon for a redoubt will be necessary. Within the lines the stores and provisions will be secured, and I should hope that the situation I should be able to take may admit of having the small rivers between the garrison and the convicts so situated that I may be able to prevent their having any intercourse with the natives.

Fortifica-
tion.

I shall think it a great point gained if I can proceed in this business without having any dispute with the natives, a few of which I shall endeavour to persuade to settle near us, and who I mean to furnish with everything that can tend to civilise them, and to give them a high opinion of their new guests; for which purpose it will be necessary to prevent the transports' crews from having any intercourse with the natives, if possible. The convicts must have none, for if they have, the arms of the natives will be very formidable in their hands, the women abused, and the natives disgusted.

The natives.

The keeping of the women apart merits great consideration, and I don't know but it may be best if the most abandoned are permitted to receive the visits of the convicts in the limits allotted them at certain hours, and under certain restrictions. Something of this kind was the case on Mill Bank formerly. The rest of the women I should keep apart, and by permitting the men to be in their company when not at work they will, I should suppose, marry,

Intercourse
between the
sexes.

Marriage.

1787 in which case they should be encouraged, if they are industrious, by being allowed to work one day in the week more than the unmarried on their own lots of ground.

Native women.

The natives may, it is probable, permit their women to marry and live with the men after a certain time, in which case I should think it necessary to punish with severity the man who used the woman ill; and I know of no punishment likely to answer the purpose of deterring others so well as exiling them to a distant spot, or to an island, where they would be obliged to work hard to gain their daily subsistence, and for which they would have the necessary tools; but no two to be together, if it could be avoided.

Exile.

Capital punishment not necessary.

Rewarding and punishing the convicts must be left to the Governor; he will likely be answerable for his conduct, and death, I should think, will never be necessary. In fact, I doubt if the fear of death ever prevented a man of no principle from committing a bad action. There are two crimes that would merit death—murder and sodomy; for either of these crimes I should wish to confine the criminal till an opportunity offered of delivering him as a prisoner to the natives of New Zealand, and let them eat him. The dread of this will operate much stronger than the fear of death.

Live stock.

As the getting a large quantity of stock together will be my first great object, till that is obtained the garrison should, as in Gibraltar, not be allowed to kill any animal without first reporting his stock and receiving permission. This order would only be necessary for a certain time, and I mention it here only to show the necessity of a military government; and as I mean in every matter of this kind to set the example, I think that I can say this will never occasion any uneasiness. But, if it should, it will be absolutely necessary, otherwise we shall not do in ten years what I hope to do in four.

Military government.

Island women.

Women may be brought from the Friendly and other islands, a proper place prepared to receive them, and where they will be supported for a time, and lots of land assigned to such as marry with the soldiers of the garrison.

The foundations of an Empire.

As I would not wish convicts to lay the foundations of an Empire, I think they should ever remain separated from the garrison and other settlers that may come from Europe, and not

be allowed to mix with them, even after the seven or fourteen years for which they are transported may be expired. 1787

The laws of this country will, of course, be introduced in New South Wales, and there is one that I would wish to take place from the moment his Majesty's forces take possession of the country—that there can be no slavery in a free land, and consequently no slaves. No slavery.

The cloathing for the convicts will last for a certain time, after which, what means should I have of furnishing them with materials for their making their own cloathes ? Clothing.

It will be necessary to know how far I may permit the seamen and marines of the garrison to cultivate spots of land when the duty of the day is over ; and how far I can give them hopes that the grounds they cultivate will be secured to them hereafter ; likewise, how far I may permit any of the garrison to remain, when they are ordered home in consequence of relief. Seamen and marines.

By what I am informed, hatchets and beads are the articles for barter, with a few small grindstones for the Chiefs ; and as when they use a light they hold it in their hands, small tin lamps on a very simple construction must be very acceptable. Barter with natives.

Ships may arrive at Botany Bay in future. On account of the convicts, the orders of the port for no boats landing but in particular places, coming on shore and returning to the ships at stated hours, must be strictly enforced. Port orders.

The saddles I mentioned will be absolutely necessary for two or three horsemen, who will examine the country to a certain distance, when it might be dangerous to attempt it with half the garrison ; for I am not of the general opinion that there are very few inhabitants in this country, at least so few as have been represented ; but this article I take upon myself, as likewise the knives, &c., that I mentioned. Reconnoitring.

Such fruit trees and cuttings that will bear removing should be added to the seeds carried from England, as likewise roots that will bear keeping that length of time out of the ground. Planting.

Two or three of the horses in question will be highly necessary, and there is no time to lose in giving the order, if intended. Horses.

A certain quantity of the articles of husbandry, stores, corn, seeds, and of the articles for traffick, should be put on board the Precaution.

1787 Berwick,* that in case of an accident we may not be in immediate
January. want of those things, and the same on board the store-ship in which the Lieutenant-Governor goes.

In addition to this memo., Phillip addressed several letters to the Home Department in reference to various matters of detail requiring attention. On the 4th January, 1787, he addressed Nepean as follows:—

Further details.

As it has been found necessary to add additional security to the hatchways, and to alter the handcuffs on board the *Alexander*, the same will be necessary to be done on board the different ships as they arrive at Portsmouth; consequently orders should be sent down to that port to inform your office, or the Navy Board, when such alterations are made, otherwise the convicts may be sent from town before the ships are ready to receive them.

Stores.

I likewise beg leave to observe that the number of scythes (only six), of razors (only five dozen), and the quantity of buck and small shot (only two hundred lb.), now ordered, is very insufficient; and that twenty scythes, twelve dozen of razors (at 12s. a dozen), and five of small shot, chiefly buck, in addition to the above, is very necessary.

Overseers.

I have likewise to request that you will please to inform me in what manner those people are to be paid who superintend the convicts in their various occupations, for some people there must be named for that purpose, and no one will undertake this business without some reward, though it may be very small, being held out to them; as likewise those who must be employed in issuing the daily provisions. These people cannot well be taken from the garrison; I think they may from the ship.

Arrangements on board.

The knowing what provisions, &c., are on board the different ships is very necessary, as I find there are some things put on board the transports by the agent that cannot possibly remain there. I therefore beg that I may have the account as soon as it can possibly be given.

Advances for the staff.

Several of the staff have requested that I would once more apply to you for a twelvemonths' advance, as they find themselves much distressed in fitting for the voyage, and the uncertainty of which makes their agents unwilling to advance the sum they find

* Afterwards called the *Sirius*; post, p. 489.

absolutely necessary to fit out—and they feel it the more as the 1787
 officers of marines have now received a year's advance ; indeed I Jan.-Feb.
 doubt if one or two of the assistant surgeons will be able to leave
 town without the advance.

Another letter to Nepean followed on the 11th of the same month :—

By letters from Lieutenant Shortland and the surgeon's assistant on board the *Alexander*, I find that one hundred and eighty-four men are put on board that ship, and fifty-six women on board the *Lady Penrhyn* ; that there are amongst the men several unable to help themselves, and that no kind of surgeon's instruments have been put on board that ship or any of the transports. You will, sir, permit me to observe that it will be very difficult to prevent the most fatal sickness amongst men so closely confined ; that on board that ship which is to receive two hundred and ten convicts there is not a space left for them to move in sufficiently large for forty men to be in motion at the same time—nor is it safe to permit any number of men to be on deck while the ship remains so near the land. Over-crowded ships.

On this consideration, I hope that you will order the *Alexander* and *Lady Penrhyn* to join his Majesty's ship *Sirius* immediately, and proceed to Spithead, where more liberty may be allowed the convicts than can be done with safety in the river ; and those that are waiting to compleat the number to be sent out in those ships may be sent round to Portsmouth with the other convicts, for the most fatal consequences may be expected if the full number is kept on board any length of time before we sail.

You will, I presume, see the necessity of ordering some surgeon's Medical instruments to be sent on board the ships that carry the convicts ; and I hope that no more will be embarked till the ships are ready to sail, and which they cannot be for a week after they get to Spithead.

On the 28th February he wrote to Sydney on similar topics. The particular matters he referred to may seem very small at this distance of time ; but in his eyes they were evidently essential to the health of his people :

Having received the enclosed reports respecting the marines and convicts now embarked on board the *Alexander* and *Lady Penrhyn*, transports, I beg to submit it to your lordship whether

1787 it may not be advisable to make some alteration in the provisions,
February. by allowing the marines a proportion of flour, in lieu of a certain proportion of salt meat, and some addition to the provisions served to the convicts. At present a convict has only, for forty-two days, 16 lb. of bread, as will appear to your lordship by the enclosed list.

Provisions. And I likewise beg leave to solicit your lordship that orders may be given for the supplying both marines and convicts with fresh meat and vegetables while they remain at Spithead, and that a small quantity of wine may be allowed for the sick.

Fresh food. P.S.—I likewise beg leave to represent to your lordship that the contractors having a power of substituting $\frac{1}{2}$ lb. of rice in lieu of 1 lb. of flour will be very severely felt by the convicts.

Contractors. The specific powers with which he thought it advisable that he should be invested, in order to provide against any emergencies that might arise, formed the subject of a letter to the Under Secretary, dated March 1st. He begins by pointing out that, as he is placed under the control of the Home Office in all matters, it is necessary that his instructions should be as precise as possible.

Specific powers. From the letter I have received from the Admiralty, and of which I enclose a copy, you will see that respecting my 11th, 12th, and 13th queries, the Board declines giving any answer. As I am to be entirely under the direction of the Secretary of State immediately after I arrive on the coast of New South Wales, for what regards the Naval Department as well as respecting the settlement, I must request your particular attention to the following circumstances in drawing up my instructions :—

Under the Home Office. **Wine.** That I am directed to order wine to be purchased on the passage, at Teneriffe, or where it can be procured ; for circumstances may prevent my taking on board the quantity intended at Teneriffe, or perhaps any part of it, and it may be got at the Cape or elsewhere.

Hospital ship. That I may employ one of the transports as a hospital ship, if I find it necessary on the passage.

Fresh meat. That I order the marines and convicts to be supplied with fresh meat and vegetables at such places as I may stop at on the passage, and to order the Commissary to draw bills on the Treasury for such supplies.

That I have the power of exchanging any part of the garrison with the marines embarked on board the ships, or of incorporating the marines now belonging to the ships with those of the garrison, if the service requires it. 1787 March. Exchanges.

That I am directed to appoint officers to fill such stations as may become vacant by death or otherwise. Appointments.

That I am directed to discharge from the ships such officers and men as may not be necessary for the navigating of the ships, and which may be necessary in the garrison, such people being desirous of remaining in the settlement. Discharges.

That I make the settlement in such port as I may find the most convenient and best to answer the intentions of Government. Site for the settlement.

That I send one of the ships to Charlotte Sound, in the Islands of New Zealand, for the flax-plant, and to the Friendly Islands for the bread-fruit ; and as women will be there procured, that I put an officer on board such transport. Flax-plant.

That the terms by which lands are to be granted are pointed out by the article which gives me the power of granting lands. Grants of land.

That I have a power of exiling to New Zealand or the neighbouring islands any convicts that may be condemned to death. Exile.

That I have the power of emancipation. Emancipation.

The power of suspending and sending home such officer who, from his situation, cannot be tried by a court-martial. Suspension.

That in case of sending home the Sirius, I have orders from the Secretary of State to take the command of such ships or vessels as remain on the coast, by hoisting a distinguishing pendant on board such ship or tender, as I may judge necessary (such pendant not to give me any claim to the pay of a commanding officer), in order to retain the command by sea, to be more at liberty to visit the coast, and to retain the command of the ships or vessels that remain. Pendant.

That I have a power to change the species of provisions served to the marines and convicts ; for if salt meat is issued, without any proportion of flour—as has been hitherto done by the contractor to the marines embarked on board the Alexander—the scurvy must prove fatal to the greatest part. Of the marines already embarked two months, one in six are sent to the hospital since that ship's arrival at Spithead. Scurvy.

1787 And, on a later occasion, he wrote another series of
 Maroh. memoranda on similar points:—

Port It must be left to me to fix at Botany Bay, if I find it a proper
 Stephens. place; if not, to go to a port a few leagues to the northward, where
 there appears to be a good harbour and several islands. As the
 natives are very expert in setting fire to the grass, the having an
 island to secure our stock would be a great advantage, and there
 is none in or off Botany Bay.*

No more It certainly will not be advisable to send out any more convicts
 convicts. till my situation is known; and the strength of the garrison must
 always be in proportion to the number of convicts, till the garrison
 is of a certain force.

Natives Any man who takes the life of a native will be put on his trial
 protected. the same as if he had killed one of the garrison. This appears to
 me not only just, but good policy.

Island These women from the islands cannot be sent for till provision
 women. is made to receive them, and they will certainly be free to choose
 husbands, or to live in private within certain bounds. Any insults
 offered to them will be punished with severity, and this their situa-
 tion will require.

Exile. A power to exile to New Zealand any convict that may be con-
 demned under certain circumstances appears to me very necessary,
 and may be attended with good consequences.

Hostilities. Instructions how to proceed in case of being opposed by any
 European ships when I arrive on the coast.

How and when are the contingent expenses to be drawn for,
 and on whom?

Salary and Mr. Rose informed me that I was to receive as Governor, £____
 allowances. Allowed for a secretary, £____

Allowed for paper, £____

What is the authority which fixes these appointments?

It will be seen from his last queries that up to this time
 Phillip had, apparently, been more mindful of the public

* Phillip had evidently read Captain Cook's account of the attempt made
 by the natives on the Endeavour River to burn his tents by setting fire to
 the grass, on the 9th July, 1770, because he would not give them any turtle.
 But as Cook made no mention of "several islands" in Port Jackson, while
 he described Port Stephens as an inlet sheltered from all winds, with "three
 small islands" at the entrance, Phillip was probably thinking of that port.
 —Hawkesworth, vol. iii, p. 508.

interest than of his own. He did not even know what salary and allowances it was proposed to attach to his appointment. As to that matter, he was informed in a letter from Whitehall, dated 20th April, that—

It will be proposed to Parliament in a few days to fix your salary as Governor at £1,000 per annum nett, which, with the pay of the Sirius, is judged to be a proper allowance for the support of the stations you are appointed to fill. You will also be allowed a contingent charge of 5s. per diem for the pay of a secretary, and £20 per annum for stationery.

On another delicate matter, he was roughly told that—

With regard to the compensation you solicit by way of table money, I am to inform you that no allowance whatever of that sort can be granted to you.

In answer to his memo. with respect to the site of the intended settlement, he received very pointed instructions:—

There can be no objection to your establishing any part of the territory or islands upon the coast of New South Wales, in the neighbourhood of Botany Bay, which you may consider as more advantageously situated for the principal settlement; but at the same time you must understand that you are not allowed to delay the disembarkation of the establishment upon your arrival on the coast, upon the pretence of searching after a more eligible place than Botany Bay.

In another letter to Sydney, written on the 12th March, Phillip—evidently feeling the weight of responsibility that lay on his shoulders, and anxious to avoid the false position in which he might ultimately find himself placed through the negligence of others—sought to impress on his lordship the necessity for immediate action in order to avert disaster. From the manner in which the marines and convicts were crowded together on board the ships, coupled with the unsatisfactory arrangements for victualling them, he thought it “more than probable” that half the men might be lost on the voyage. But for his persistent representations on these matters, it is not at all unlikely that the First Fleet—instead of arriving, as it did, with healthy crews

1787

March.

Table
money.No delay in
disembark-
ing.Fears of
sickness on
board.

1787 and passengers—would have experienced much the same
 ! March. fate as that which befell the second :—

As the Navy Board have informed me that no alteration can be made respecting the victualling of the marines during the passage. it is to prevent my character as an officer from being called in question, should the consequence I fear be realised, that I once more trouble your lordship on this subject.

Reputation at stake.

The contracts for the garrison and convicts were made before I ever saw the Navy Board on this business, and though I never have had it in my power officially to interfere, in any respect, yet I have repeatedly pointed out the consequences that must be expected from the men being crowded on board such small ships, and from victualling the marines according to the contract, which allows no flour, as is customary in the Navy. This must be fatal to many, and the more so as no anti-scorbutics are allowed on board the transports for either marine or convict; in fact, my lord, the garrison and convicts are sent to the extremity of the globe as they would be sent to America, a six weeks' passage.

Over-crowding.

I see the critical situation I may be in after losing part of the garrison, that is at present very weak, when the service for which it is intended is considered; but I am prepared to meet difficulties, and I have only one fear. I fear, my lord, that it may be said hereafter the officer who took charge of the expedition should have known that it was more than probable he lost half the garrison and convicts, crowded and victualled in such a manner for so long a voyage. And the public, believing it rested with me, may impute to my ignorance or inattention what I have never been consulted in, and which never coincided with my ideas, to avoid which is the purport of this letter; and I flatter myself your lordship will hereafter point out the situation in which I have stood through the whole of this business, should it ever be necessary.

Critical situation.

Public opinion.

Knowing that it was his "duty to repeat complaints that may be redressed," Phillip sent a still more emphatic representation of the state of affairs to the Under Secretary, under date March 18th :—

Another protest.

A letter which I have received from the surgeon states the situation of the convicts to be such that I am under the necessity of requesting you to lay their case before Lord Sydney, that directions may be given to the Commissioners of the Navy for the

ordering lighters from Portsmouth Yard to the Alexander to receive the convicts while the ship is cleaned and smoked; and though I have so often solicited that essence of malt or some anti-scorbutic may be allowed, I cannot help once more repeating the necessity of it. And, putting the convicts out of the question, which humanity forbids, the sending of the marines that are on board the transports such a voyage as they are going in a worse state than ever troops were sent out of the kingdom, even to the nearest garrison—for, taking off the tonnage for the provisions and stores, they have not one ton and a half a man—cannot, I am certain, be the intention of his Majesty's Ministers; yet it is absolutely the case, and I have repeatedly stated this fact. Fresh meat for all the convicts, I was informed, had been ordered in consequence of the representation I made as soon as the ships got round to Portsmouth; but the sick only have fresh meat. Wine, at the discretion of the surgeon, is very necessary for the sick, as the convicts are not allowed anything more than water.

1787

March.

Anti-scorbutics.

Treatment of the marines..

The necessity of making one of the transports an hospital ship is obvious, and, I think, cannot be deferred. The Friendship, as having the smallest number of convicts on board, I propose for that purpose.

Hospital ship.

The giving clothes to those convicts who have been embarked at Plymouth is so very necessary that I have ordered it to be done, and presume the Navy Board will replace the cloathing; but as there are more convicts to be sent on board the different ships, unless orders are being given for their being washed and cloathed on their leaving the prison, or the hulks, all that we may do will be to no purpose.

Clothing.

These complaints, my dear sir, do not come unexpected, nor were they unavoidable. I foresaw them from the beginning, and repeatedly pointed them out when they might have been so easily prevented at a very small expense, and with little trouble to those who have had the conducting of this business. At present the evils complained of may be redressed, and the intentions of Government by this expedition answered. But if now neglected it may be too late hereafter, and we may expect to see the seamen belonging to the transports run from the ships to avoid a jail distemper, and may be refused entrance into a foreign port.

Complaints foreseen.

Danger of delay.

The situation in which the magistrates sent the women on board the Lady Penrhyn stamps them with infamy; though

The women neglected.

1787 almost naked and so very filthy that nothing but cloathing them
 April. could have prevented them from perishing, and which could not be done in time to prevent a fever, which is still on board that ship, and where there are many with venereal complaints that must spread in spite of every precaution I may take hereafter, and will be fatal to thousands.

The
 surgeon and
 the married
 women.

Washing and
 clothing.

There is a necessity for doing something for the young man who is on board the ship as surgeon, or I fear that we shall lose him, and then a hundred women will be left without any assistance, several of them with child. Let me repeat my desire that orders immediately may be given to increase the convict allowance of bread—16 lb. of bread for forty-two days is very little; to supply all the convicts with fresh meat while they remain at Portsmouth, the sick with some small quantity of wine; lighters to be ordered to attend the *Alexander* while that ship is smoaked, &c.; to wash and cloathe the convicts that are still to be sent down before they are put on board the transports; and to have one of the transports ordered to serve as a hospital ship.

This is a long letter, but it is my duty to repeat complaints that may be redressed, and which I am certain you desire equally with myself.

Other little matters that had occurred to him subsequently were touched upon in a further letter to Nepean, dated April 11th. The request for “sour kroust and portable soup* for the convicts that may be sick” shows his extreme desire to secure their health on the passage:—

Porter and
 ducats.

When you find a quarter of an hour, be so good as to give me a line to the Navy Board, sufficiently explicit to prevent any further delays, with respect to the ordinary caps for the convicts, one hogshead of porter in bottles as a present to the commanding officer in the island from which we are to procure stock, and ducats to the value of £30 for the same purpose. The beer may be bought at Portsmouth, and I will find room for it on board the *Sirius*.

A line likewise is necessary to the Admiralty, that I may have an order to receive on board the *Sirius* the Commissary and

* Captain Cook, in a letter to Sir John Pringle, written for the purpose of explaining his success in preserving the health of his crew on board the *Resolution*, mentions “sour kroust and portable broth” as excellent means for preventing scurvy.

the servant to the Judge-Advocate ; likewise for victualling the forty marines' wives, and to desire that sour kroust and portable soup may be ordered for the convicts that may be sick. There is some kroust in store at the victualling office. 1787 April.

P.S.—By some mistake one hundred and nine women and children are put on board the *Lady Penrhyn*, though that ship was only intended to carry one hundred and two and with propriety should not have more than two-thirds of that number. Too many women on board.

Phillip was thus under the necessity of imploring the Government from day to day to supply the actual necessities which experience had shown to be indispensable for the preservation of health on long voyages. The indifference shown by his Majesty's Ministers evidently tried his temper, and he had at last become very uneasy, if not alarmed, at the prospect before him. Not only were the marines as well as the convicts likely to suffer from the want of ordinary supplies, but the women had been put on board in such a state—"almost naked and so very filthy"—that sickness and disease were tolerably certain to break out among them. The state of things on board his ships may be judged by comparing his accounts of it with Captain Cook's description of the equipment of the *Resolution* and *Adventure* in 1772. Ministerial indifference.

No expense was spared on that occasion. The ships were fitted in the most complete manner, and supplied with every extra article that was suggested to be necessary. Lord Sandwich* paid an extraordinary attention to this equipment, by visiting the ships from time to time, to satisfy himself that the whole was completed to his wish, and to the satisfaction of those who were to embark in them. Nor were the Navy and Victualling Boards wanting in providing them with the very best of stores and provisions, and whatever else was necessary for so long a voyage. Captain Cook's equipment.

We were supplied with wheat in lieu of so much oatmeal, and sugar in lieu of so much oil ; we had, besides, many extra articles, such as malt, sour kroust, salted cabbage, portable broth, saloup, mustard, marmalade of carrots, and inspissated juice of wort and beer.† "The very best of stores."

* First Lord of the Admiralty in Lord North's Administration of 1770-1782.

† Cook's Voyage towards the South Pole ; Introduction, p. xxx.

1787 Neither Lord Sydney nor Lord Howe thought it necessary
May. to visit Phillip's ships in order to satisfy himself as to their equipment; nor was the Commodore indulged in any such luxuries as marmalade of carrots or inspissated juice of wort and beer. The foundation of a colony was evidently not a matter of much importance compared with a voyage of discovery in search of a new continent towards the South Pole.

Last letter from England. Phillip's last letter from England was written on board the Sirius, then lying on the Motherbank, off the Isle of Wight, on the 11th May. Notwithstanding all his efforts to comply with the repeated orders to sail as soon as possible, he had not been able to satisfy himself about the supply of necessaries, and was obliged to sail without the "women's cloathes," which had been so neglected by the authorities. Much as those articles were needed, however, and anxious as he was to provide for the comfort of the women, he would not "wait a single hour" for the missing garments, but would be on his way to the new land "as soon as there is the least chance of getting down Channel."

No time to be lost.

Since my letter of this morning, I have seen the bread which the contractor offered for the convicts, in the room of what was to be baked, and which could not have been ready before Monday—it is good, though coarse, and I have ordered it to be sent on board this evening.

The bread.

The order Major Ross received from the Admiralty respecting the marines has the following words: "To be properly victualled by a Commissary." On this they grounded their letters of complaint; but this business is now settled—all are satisfied. I return you Lord Sydney's letter, and hope we shall not give you any further trouble. Had I sailed when first I came down, some of the ships must have gone short of water, which is not yet compleat, but will, I hope, this evening; and we must likewise have left all the necessaries for the sick behind (they not coming down before last night), as well as a great deal of provisions; in fact, it was not possible to sail before this day, and now, unfortunately, the wind is westerly and blows fresh. The reason the contractor assigns for not having the provisions on board sooner was, having only

Reasons for delay.

three ovens to bake the bread, and in doing which he has lost no time since he received the Navy Board's order. I shall not lose a moment after there is the least chance of getting down Channel ; on that you may depend. 1787
May.

No spirits can be received at present on board any of the ships ; Spirits. but the greatest economy will be used in purchasing as much as the ship can stow when in the Brazil, where it is reasonable.

I have received the warrant for appointing Courts-martial, the Articles of War, and the order for the Commissary's purchasing three years' spirits. The two letters for the Vice-Kings and the Governor of the Cape are not yet received ; but I must beg of you, my dear sir, to point out to the Navy Board that for women's cloathes I have no resource, and desire them to order that they may be sent down. Women still neglected. The agent for the transports, who has corresponded with that Board on the subject, says he has expected them for some time. Be assured that I shall not wait a single hour for them after it is possible to sail. I had desired that the Sirius and Supply, armed tender, might not be paid the two months' advance till the day before I intended to sail, and that was done yesterday.

It is not in my power to send you my lists at present more Official lists. correct than those you have received from Major Ross ; but you shall have one by the return of the Hyæna, for I hope we shall not remain here long enough to make it out, as it will take some days to examine the different ships.

And having at last got his ships as well provided for the voyage as he could contrive to do, by repeated appeals to the All ready. authorities at Whitehall, he closed his correspondence with Nepean for the time, with a passage in which he allowed himself to become prophetic :—

Once more I take my leave of you, fully sensible of the trouble Farewell. you have had in this business, for which at present I can only thank you ; but at a future period, when this country feels the advantages that are to be drawn from our intended settlement, you will enjoy a satisfaction that will, I am sure, make you ample amends.

A VAIN PETITION.

- 1787 WHILE Phillip was thus employed in getting his ships ready for sea—running backwards and forwards between the Navy and the Victualling Boards, the Admiralty and Whitehall—two Roman Catholic priests came forward with a petition addressed to Lord Sydney, praying that they might be allowed to go out with the Fleet as spiritual advisers to their co-religionists on board. In a letter addressed, without date, to his lordship, one of them pointed out that there were probably not less than three hundred of the convicts belonging to their denomination, woefully in need of religious instruction, and earnestly desirous that some minister of their own faith might be suffered to go with them. He also urged that the presence of Catholic priests among them might not only be of great service in cultivating a spirit of obedience to their officers, but might be the means of making them in the end useful members of society in the new world. The appeal was thus adroitly based on political as well as religious grounds ; but unfortunately it made no impression on the Minister. The prayer was not granted ; and judging from the fact that no reply to the letter can be found among the records, it may be inferred that none was sent.*

A plea for
religion.

Not enter-
tained.

* Mr. Justice Burton, in his work on *The State of Religion and Education in New South Wales*, published in 1840, states, on the authority of the Rev. Samuel Marsden, who acted as chaplain in the colony from 1794 to 1838, that “when the First Fleet was on the point of sailing, in the year 1787, no clergyman had been thought of, and that a friend of his own, a pious man of some influence, anxious for the spiritual welfare of the convicts, made a strong appeal to those in authority upon the subject, and

My Lord,—You have been apprised of the desire which two 1787
 clergymen of the Catholic persuasion have to instruct the convicts,
 who are of their faith, who are destined for Botany Bay. I beg
 leave to inform your lordship of my sentiments concerning their
 request. There are not less probably than three hundred, ignorant, Three
hundred
Catholics.
 you may imagine, of every principle of duty to God and man. The
 number is great, and consequently constitutes an object of conse-
 quence to every man who has the happiness of his neighbours at
 heart. That the Catholics of this country are not only of inoffen-
 sive principles, but that they are zealously attached to the Con-
 stitution of it, I may presume, is well known to your lordship.
 For my part, who am one of those clergymen who wish to take
 care of the convicts of my persuasion, I beg to acquaint your
 lordship that if I be so happy as to be permitted to go, that I
 trust my endeavours to bring these unhappy people to a proper "Happy
to go."
 sense of their duty as subjects and citizens may be attended with
 some salutary consequence. They earnestly desire some Catholic
 clergyman may go with them, and I trust to the known humanity
 of Government that a request which seems to promise some hopes
 of their reformation will not be denied. It is well known that
 these people will not pay the attention to other ministers which Duty of
obedience.
 they do to their own. Perhaps, also, the presence of such may
 be of great use to make them readily obey every order of their
 governors, and I have no doubt our conduct will meet the appro-
 bation of them.

I sincerely pity these poor people, not so much for the disagree-
 able situation into which they have brought themselves, as for the
 misdemeanours which have made them deserving of it. Yet I Education
and
redemption.
 trust, if their ignorance be removed, and their obligations as men
 and Christians be forcibly inculcated to them, that this may be a
 means under Providence of their becoming useful to themselves,
 and perhaps afterwards to their country.

through the interest of the late Bishop Porteus with Sir Joseph Banks the
 Rev. Richard Johnson was appointed chaplain."

Burton also mentions, in a foot-note, that "an oversight equally remark-
 able" occurred in connection with "the recent expedition to Port Essing-
 ton," under the command of Sir J. Gordon Bremer, in H.M.S. Alligator,
 accompanied by the brig Britomart, which ships sailed "with upwards
 of five hundred souls, unprovided with any minister of religion." On their
 arrival at Sydney, the Bishop of Australia "furnished them with such
 means as were in his power"—a temporary church, bibles, prayer-books,
 and other religious publications.

1787 At least this I sincerely wish, nor do I think I can ever be as happy elsewhere as in the place of their destination, employed in using my endeavours to bring them out of the wretched state of depravity into which they have fallen. I entreat, therefore, most humbly that this our request may be granted. These poor people will bless and thank you. I shall take care that they be not forgetful of their obligations to Government and Lord Sydney.

Happy in
doing good.

I have the honor of subscribing myself

Your lordship's most humble servant,

THOMAS WALSHÉ,

Priest.

Passage only
asked for.

My lord,—We are not so presumptuous as to wish support from Government; we offer our voluntary services; we hope, however, not to offend in entreating for our passage.

Official
indifference
to religion.

If the statement made by Mr. Justice Burton on the authority of the Rev. Samuel Marsden represents the facts of the case, Lord Sydney's indifference to the Roman Catholic appeal needs no explanation. Ministers of religion, whatever the sect they might belong to, did not appear to the official mind as at all necessary members of a colonising expedition. Whether or not the appointment of a chaplain to the First Fleet was obtained only through the intervention of Sir Joseph Banks at the last moment, there is no doubt that the subsequent expedition to Port Essington sailed without any chaplain at all. The neglect in one case is the best explanation that can be given of the indifference in the other.

Moral
police.

It would certainly not be just to find fault with Phillip, because, while engaged in cataloguing in his "memo." all the needful means he could think of for governing the peculiar people committed to his charge, he did not see the necessity for providing a moral police force as well as an armed one. Neither to him nor to Lord Sydney did it occur that any better means of control for such a population could be found than those which had already been provided, in the shape of marines with fixed bayonets. It was not until Phillip had begun to form his settlement at Sydney Cove

that the serious nature of the oversight presented itself to his mind. One of the very first things he had to do was to appoint overseers or superintendents for the purpose of keeping the convicts in order; but no men of the proper kind 1787
 having been sent out, he was obliged to appoint convicts to that position. The inevitable results soon made their appearance; the so-called superintendents were either unable or unwilling to exercise any authority over the men, who were thus left to please themselves about the way in which their work should be done. Under such circumstances, it was a very difficult matter to get any work out of them at all. In this exigency Phillip was driven to appeal to the military for assistance, and accordingly requested the officers of the garrison to exercise their influence over the men by encouraging those whom they saw disposed to be diligent, and threatening the idle and disorderly with punishment. The officers, under Major Ross's instructions, bluntly refused to do anything of the kind, saying that they would not "interfere with the convicts" in any shape, except as a garrison force. Appeal to the military.

The most essential means for the good government of the community was thus absolutely wanting, and the natural results soon showed themselves. It might have been foreseen in the first instance that physical force alone is not enough to rule any people, even the most degraded; and that without some efficient moral influence at work, it is not possible to keep the constituent elements of society in working order. The defect was first felt by Phillip in the absence of overseers—the non-commissioned officers, so to speak, whose services he needed so much from day to day. But it was afterwards felt in the absence of a sufficient number of religious instructors, as well as of ordinary teachers. No schoolmaster, or teacher of any kind, formed part of the first establishment, although there were many children among the soldiers' families as well as among the convicts; and although it must have been known that even the men and Physical force not sufficient.
No teachers.

1787 women needed instruction in one way as much as the children did in another. One minister of religion only had been sent out—the Rev. Richard Johnson, “one of the people called *Methodists* ;”* and he was left to preach in the open air until he found means to put up a thatch-roofed building for religious service. Had the petition of the Roman Catholic priests met with more consideration than it did, Phillip’s labours would have been greatly lessened in his efforts to reform the degraded characters around him. The combined influence of the clergy would have been on his side, and he might have been spared the humiliation of applying to the marines for aid in one of his greatest difficulties, and being refused. He was thus forced to govern with the lash and the hangman’s rope.

and only one chaplain.

Influence of the clergy.

A merciless age.

How much misery and how much crime might have been avoided had Lord Sydney and his colleagues but recognised one of the simplest truths in political philosophy, by arming Phillip with the moral and religious assistance he required, may be left to conjecture. But in this, as in many other instances, may be seen how hard and merciless was the age in which they lived. The statesmen of that time had not yet learned that every government lives under a moral obligation to prevent crime as well as to punish it ; and when, notwithstanding the severity of their laws, they found its growth unchecked, they saw no other remedy but that of increased severity. A short shrift and a bloody shroud was the usual fate of the unhappy wretches condemned to die, even when the crime was not more serious than a theft committed under the pressure of hunger. Many of these criminals, too, were mere boys, in most cases wholly uneducated, who had been left in childhood to seek their means of living in the streets.

Juvenile offenders,

How the question of juvenile crime and depravity was looked at by Pitt and his colleagues may be seen in a speech delivered by the Solicitor-General in the House of Commons

* Major Grose, in a despatch to the Home Secretary, 4 September, 1793.

in June, 1785, when moving for leave to bring in a bill 1787
 “for the better securing the peace.”* After describing
 the extraordinary prevalence of crime in the metropolis, he
 referred to “the crowds that every two or three months fell
 a sacrifice to the justice of their country, with whose weight
 the gallows groaned”; and he then mentioned “as a cer-
 tain truth, that of the whole number hanged in the metro-
 polis, eighteen out of every twenty were under the age of and the
gallows.
 twenty-one.” To remedy this evil, the Government pro-
 posed—not to establish a system of State schools combined
 with juvenile reformatories—but to effect certain changes
 in the regulation of the police. There was no proposal to
 deal with juvenile delinquents as they are dealt with in the
 present day; they were left to take their chance as before.
 Something might be done, he seemed to think, for—
 friendless and deserted children who were at present picked up at
 the age of eight years and regularly educated to the trade of vil-
 lainy. He should wish them to be taken up and sent to the No reforma-
tories.
 Marine Society; but as the governors of that institution might
 possibly object, on the ground of temporary inconvenience, to take
 them in, he feared it would be necessary to find some other estab-
 lishment for them.

Beyond that, however, the Government were not prepared
 to go. Legislators in those days, and in much later times, Education
and crime.
 did not believe in the efficacy of education as a means of
 preventing crime. Sir Samuel Romilly mentions that in
 1807 he supported a bill which proposed to establish schools
 for the education of the poor in all the parishes of England;
 but, he adds,—

“The bill will certainly be lost. Many persons think that the
 subject requires further consideration and a more matured plan;
 but I am afraid that a much greater portion of the House think it People
kept in
ignorance.
 expedient that the people should be kept in a state of ignorance.”†

* Parliamentary History for 1785, vol. xxv, p. 838. The debate on this
 motion is full of information on the social condition of England at that
 time, which should be carefully borne in mind in connection with the
 Expedition to Botany Bay.

† Memoirs, vol. ii, p. 207.

THE FLEET AT SEA.

1787 It was on the 13th of May that Phillip, having hoisted his flag on board the *Sirius* as Commodore of the squadron, gave the signal to weigh anchor, and the ships under his command, one after another, spread their sails to the wind. They were accompanied by another man-of-war, the *Hyæna*, a frigate of twenty-four guns, which was under orders to see them clear of the Channel and bring back a final letter from Phillip. The navigation of the Channel was the most difficult part of the voyage; but good fortune was with them from the first, and the ships got into the Atlantic without any accident. It was a week, however, before Phillip could sit down and write his first despatch. The sea was running high, and his table was so unsteady that he could not write at ease; his despatch was therefore merely a short note, addressed to Nepean. The Commodore was evidently in good spirits; having cleared the Channel, "I look on all our difficulty as ended." The only matter that seemed to trouble him much was the "women's cloathing," which he had been compelled to leave behind.

First letter
at sea.

As we are now nearly one hundred leagues clear of the Channel, the *Hyæna* leaves us this evening to return to Plymouth, but the sea runs too high to send on board the different transports to get any particular account of the state of the convicts. I have therefore only to repeat what I said in my last from the Motherbank, that a great part of the women's cloathing was not come down from London when we sailed, nor did I receive the letters for the Vice-King. The Provost-Marshal, who had not been seen for a considerable time before we sailed, is left behind, and as it will be

very necessary to have such an officer on the spot, I have ordered Mr. Henry Brewer to act as such, and shall be glad if he is approved of. I enclose a copy of the last returns, and shall send you a more particular account from Tenerife. At present our motion is such that I find it very difficult to sit at table ; but the weather is good, and tho' the Charlotte and Lady Penrhyn sail very badly, the clearing the Channel is one great point gained, and with which I look on all our difficulty as ended.

1787

May.

Clearing the Channel.

But one difficulty was no sooner ended than another presented itself in an unexpected shape :—

Since I sealed my letters I have received a report from the officers on board the Scarborough respecting the convicts, who, it is said, have formed a scheme for taking possession of the ship. I have order'd the ringleaders on board the Sirius, and should not mention the affair at this moment, as I have no time to enter into particulars, but that I suppose it will be mentioned in letters from that ship. I did intend to write to Lord Sydney, but it is late, and I wish the boats on board the different ships. You may assure his lordship of my respects, and tell him the reason that prevents my writing to him.

A conspiracy on board.

Two of the ringleaders in this conspiracy were flogged, and then removed into another ship. . The sudden extinction of their scheme produced a wholesome effect on the minds of the convicts, for they seem to have remained quiet during the rest of the voyage. A different tale is told by the records in the Home Office of a similar conspiracy which took place a few years previously. The ship Mercury, bound to America with one hundred and seventy convicts on board, was seized by them ; the captain and his officers were put in irons “ after a very bloody resistance, in which many of the convicts were wounded ” ; but the men having brought the ship into Torbay, their career was very soon closed. “ They hoisted out the boat, and about sixty went on shore, armed ; a second attempt to land was made by the remainder next morning ; but the captain and his people, having got free from their chains,” and obtained assistance from a King's ship, immediately secured them.

A ship seized.

Conspirators in irons.

1787
June.
First inspection.
Singular discovery.

It was not until the ship cast anchor in the harbour of Santa Cruz in the Isle of Teneriffe, on the 3rd June, that Phillip had an opportunity of seeing the whole of the people committed to his charge. He found them quiet and contented, but noticed some "compleat villains" among them. During their stay in port, they shared with the crews and marines the good things provided for them, in the shape of fresh meat, vegetables, and fruit, for the purpose of protecting them against attacks of scurvy. While here, Phillip wrote a letter to Lord Sydney, in which he mentioned the singular fact discovered after they had set sail, that the marines had been sent to sea without any supply of "musquet balls," or even paper for making "musquet cartridges." It was fortunate that the convicts did not make the same discovery while they were at sea.

At Santa Cruz.

I have the honor to inform your lordship that I anchored here the 3rd inst. with his Majesty's ship under my command, the Supply, tender, store-ships, and transports.

Health improved.

By the enclosed list your lordship will see that the convicts are not so sickly as when we sailed, and while we remain here the Commissary will be able to procure them fresh meat at a very moderate expense.

No musquet balls.

I understood when the marines who were to form the garrison were embarked that they would be furnished with ammunition, but since we sailed find that they were only supplied with what was necessary for immediate service while in port, and we have neither musquet balls nor paper for musquet cartridges, nor have we any armourers' tools to keep small arms in repair.

Clothing left behind.

I am therefore to request that your lordship will be pleased to give orders that those articles may be sent out by the first ship, and for which, as well as for the women's cloathing that was left behind, we shall be much distressed. I hope the transports will be able to compleat their water by the 9th, and shall not lose an hour after that is done.

He wrote at the same time to Nepean :—

I have the pleasure of informing you that I anchored here the 3rd, late in the evening, and by the returns made to Lord Sydney you will see that the convicts are in a better state than when we sailed.

The procuring fresh meat being absolutely necessary, and wishing that it would be done with as little expense to Government as possible, I have ordered bread to be issued to the marines and convicts from the store-ships, for it could not be got here but at a very high price. The butter intended for the use of the garrison will be good for very little, and much wasted before we land from being in single firkins. A proportion of butter I have therefore ordered also to be served while we remain here, and by which means the marines and convicts will have fresh provisions at a less expense to Government (including the value of the biscuit and butter) than if they had continued on salt provisions.

1787.

June.

Butter melting.

As we have sailed without either musquet cartridges for the use of the garrison, or paper or ball to make them, we shall have none but what little the Sirius can supply. This I have mentioned in my letter to Lord Sydney. Nor have we any tools to keep the small arms in repair, the want of which will put us to many inconveniences.

Ammunition and tools.

In my letter by the Hyæna I mentioned the apprehensions the officers of the Scarborough were under, and tho' I did not think they had reason to be seriously alarmed, as some of the convicts had behaved very ill, two of the supposed ringleaders were ordered on board the Sirius, punished, and then sent on board the Prince of Wales, where they still remain. In general the convicts have behaved well. I saw them all yesterday for the first time; they are quiet and contented, tho' there are amongst them some compleat villains.

A scare.

Good conduct on board.

I shall sail the moment the transports have compleated their water, and hope that will be done by Saturday or Sunday. The Spanish packet that sails this afternoon gives me this opportunity of writing, and I shall leave duplicate to be forwarded by the next conveyance, as it will be a very considerable time after this before I shall have an opportunity of writing again.

Spanish packet.

As the store-ships cannot receive any more wine for the garrison, Rum spirits will be procured for them at Rio de Janeiro.

The next port at which they touched was that of Rio de Janeiro, where they anchored on the 6th August and remained till the 4th September. The time was pleasantly spent by the English officers, the Viceroy insisting on showing his guests every possible mark of attention—Phillip

At Rio.

1787 being accorded the same honours as himself. He had not
 August. forgotten that Phillip had served for some time in the Portuguese navy during the war with Spain, and as the Englishman could speak the Portuguese language freely, their intercourse was free from the usual difficulties experienced by foreigners. The reception met with at Rio forms a striking contrast with the treatment to which Captain Cook was subjected during his stay in the same port, in November, 1768. No person on board his ship was allowed to land, except himself, and he was attended by an officer wherever he went—a distinction he would gladly have dispensed with.*

The letters written at Rio say very little about the hospitalities shown by the Viceroy, but they give very minute details about matters connected with the fleet and the people on board. The first letter to Lord Sydney was a short one :—

Arrival at Rio. Having sailed from Teneriffe the 10th of June, I anchored off this harbour the 5th of this month, of which I had the honor of informing your lordship by a ship that past us, and the 6th, in the evening, anchored in the harbour with the tender, store-ships, and transports.

Returns. I inclose returns of the detachment and of the convicts, who, as well as the officers and seamen belonging to the ships, continue very healthy.

Portuguese civility. In my letter to Mr. Nepean I have mentioned particulars respecting the provisions, spirits, &c., procured here, and I have the honor of assuring your lordship that every little assistance we have wanted in this port has been most readily granted by the Vice-King, and to whom I feel myself under particular obligations for the attention he has shown to me and the officers under my command.

Fresh provisions.* The convicts have been very plentifully supplied with fresh provisions, and that at a small expense, 3½d. a head per day, all

* “As soon as I took leave of his excellency, I found an officer who had orders to attend me wherever I went; of this I desired an explanation, and was told that it was meant as a compliment; I earnestly desired to be excused from accepting such an honour, but the good Viceroy would by no means suffer it to be dispensed with.”—Hawkesworth, vol. ii, p. 20.

expenses included. The allowance of meat to the convicts has been 20 oz. every day, and they are much healthier than when we left England. Only fifteen convicts and one marine's child have died since we left Spithead.

1787
August.

This was followed by a longer communication, chiefly remarkable for its reference to the purchase of rum at Rio. Even Phillip's sagacity did not enable him to foresee the dangerous consequences likely to follow from its use in the settlement, and he made his purchase of "one hundred and fifteen pipes of rum" with as little suspicion as if it had been so much small beer. Captain Tench informs us that the Portuguese at Rio had not "learnt the art of making palatable rum," the quantity purchased being "very ill-flavoured."

Purchase
of rum.

By my letters of the 5th and 10th of June from Santa Cruz, I had the honor of informing you of the impossibility of receiving any wine on board for the use of the garrison, that the marines and convicts received six days' fresh provisions, and that the Commissary had drawn for £76 ls. 9d., the expenses at that port. I likewise mentioned the slops for the women not being sent down before we sailed, and the want of musquet balls and paper cartridges for the use of the garrison, as likewise tools to keep the small arms in repair; those articles will, I hope, be sent out in the ship that goes for the bread-fruit.

Matters
neglected.

The Provost-Martial having remained in England, I recommended Mr. Henry Brewer as a proper person to fill that post, and I shall order him to do the duty till I receive instructions on that head.

Provost-
Marshal.

With respect to the women's cloathing, it was made of very slight materials, much too small, and in general came to pieces in a few weeks. If materials are sent out, it will be much cheaper to Government, and the cloathes will be better made.

Women's
clothing.

As few vegetables could be procured at Santa Cruz, I should have stopped for twenty-four hours at Port Praya,* but when off

Cape de
Verde.

* In the Island of St. Jago, one of the Cape de Verde group. Captain Cook touched at it during his second expedition in August, 1772, and describes the place in the account of his voyage.

- 1787 that port light airs of wind and a strong current making it probable
 August. some of the ships might not get in, I did not think it prudent to attempt it.
- At Rio. We anchored off Rio Janeiro the 5th of this month, of which I had an opportunity of informing you by a ship that passed us, and the 6th, in the evening, got into the harbour with the Supply tender, store-ships, and transports.
- Portuguese civility. I have the pleasure of saying that every assistance we have wanted in this port has been most readily granted.
- Rum. One hundred and fifteen pipes of rum has been purchased for the use of the garrison, when landed, and for the use of the detachment at this port.
- Fresh provisions. The marines and convicts have had fresh provisions since in port, and as I found at Teneriffe that $\frac{3}{4}$ lb. of beef was not sufficient for a convict for the day, and that no butter or cheese could be procured here, the beef being exceedingly good and very cheap, I ordered each person victualled by the Commissary $1\frac{1}{4}$ lb. of beef and 1 lb. of rice, and to the children of the marines and convicts $\frac{3}{4}$ lb. of meat and 1 lb. of rice, with vegetables each day.
- Allowances. The marines and their wives have had the usual quantity of spirits. The allowance for the convicts when at sea being so small was the reason I ordered them, while in port, the same allowance as the officers and men belonging to the garrison, spirits excepted.
- Cheap food. The victualling all these, who are under the inspection of the Commissary, including fixing and every other expense, amounts to no more than $3\frac{1}{2}$ d. a head per day.
- Rise in rum. Wine is not to be bought at present but from those who retail it, there being none in store, consequently is dearer than in general, and the rum on our coming in, there being little in the place, rose more than 25 per cent.
- Casava. One hundred sacks of casava* have been purchased, which will be issued to the convicts when the bread is expended, and will be cheaper to Government; it costs only 5s. 8 $\frac{1}{2}$ d., and the sacks, being of strong Russia, will be used hereafter in cloathing the convicts, many of whom are nearly naked.

* Casava, or cassada, is the root of a shrub, in its crude state highly poisonous; but by washing, pressure, and evaporation, it was deprived of its harmful qualities, and when made into cakes, became a good substitute for bread. It was largely used in the tropical islands.—Phillip's Voyage, p. 33.

As the Vice-King offered anything the King's stores furnished that might be wanted, ten thousand musquet balls have been purchased from the arsenal, the Sirius not being able to supply the garrison with a sufficient quantity to serve till ball might be sent from England.

Before we sailed from Portsmouth two medicine-chests were fitted for the transports that had none, and at Teneriffe soap was bought to repay what the convicts had received before we sailed from England from the marines. These articles and some few others were too trifling to draw for on the Treasury, and were paid by me.

Some expenses have now attended the procuring seeds and plants that could not be purchased, and it will be necessary to satisfy those people whose store we have occupied with some tents that have been damaged and sent on shore to air, and where we have had officers and men since we have been here, with the timekeeper and the necessary instruments to determine its rate of going ; as likewise the captain of the port, with his boat's crew, who, the day we came in, attended to give any assistance the transports might want, we then having only a light air of wind, and this I do, having refused the paying the customary fees which are paid by their own merchants' ships as well as strangers. It is £3 12s. on coming in, the same on going out, and 5s. 6d. a day while they remain at anchor in the port. This was demanded for the transports, but never insisted on after I had said it could not be paid, as the ships had King's stores on board. And as these articles are such as do not permit vouchers, I have not thought it right to order the Commissary to pay them, but have drawn on the Treasury for £135, which will be sufficient for the whole. It is little more than half the sum which must have been paid for the store, had it been hired.

With respect to the convicts, they have been all allowed the Liberty of the deck in the day, and many of them during the night, the deck. which has kept them much healthier than could have been expected.

It has been necessary, that the store-ships might receive the spirits, to move part of the provisions from them into the transports, and I am sorry to say that, what with some of the provisions being in very slight casks, and very little attention having been paid to the stowage, we have had much trouble in moving

1787 the casks, and some tents and slops that were only in wrappers
 August. were damaged. I fear many articles will be destroyed before they are landed, and which it is not now possible to prevent.

Fruits and plants. I have been able to procure all such fruit and plants as I think likely to thrive on the coast of New South Wales, particularly the coffee, indigo, cotton, and cochineal.

In a letter written at Rio to Nepean, Phillip referred to an official reception at the Viceroy's palace, but made no attempt to describe the ceremonies :—

Royal birthday. The 21st being the Prince of Portugal's birthday, and the Vice-King receiving the compliments of all the officers, I waited on him with those I had presented to him on our arrival. The Sirius fired twenty-one guns, having the flag of Portugal hoisted at the fore-topmast, and the Union at the mizen. He seemed much pleased with this compliment, and we part perfectly satisfied with each other.

Earthquake. Three slight shocks of an earthquake have been felt at Trinidad, where the Portuguese still keep a small garrison.

Surgeon White has left us a pretty account of a reception at the palace, on the occasion of Phillip's final visit* :—

A State reception at Rio. On our landing, the same officer who had attended us upon every other public occasion conducted us to the presence-chamber. As we passed, every military and public honour was paid to the Commodore; the colours were laid at his feet, as they hitherto had been whenever he landed in his public character; a token of respect that is never bestowed on any person but the Governor himself. When we arrived at the palace, an officer of the household, who was waiting to receive us, conducted us through a most delightful recess, hung round with bird-cages, whose inhabitants seemed to vie with each other both in the melody of their notes and the beauty of their plumage. The passage we walked through was adorned on each side with odoriferous flowers and aromatic shrubs; which, while they charmed the eye, spread a delightful fragrance around. This passage led to a private room, on the outside of the door of which we were received by the Viceroy, who stood uncovered, and noticed each person separately in the most friendly and polite manner. His excellency preceded us into the

The Viceroy's palace.

* Journal, p. 55.

room, and having requested all of us to be seated, placed himself by the Commodore in a position that fronted us. In return for our thanks, he said, "it gave him infinite pleasure and satisfaction to find that the place had afforded us the supplies we stood in need of." To this he added that "the attention of the inhabitants, which we were good enough to notice, was much short of his wishes." We then arose and took our leave; but not before his excellency had expressed a desire of hearing from the Commodore, with an account of his success in the establishment of the new colony.

A final letter was written to Nepean on the 3rd September—the day before the fleet sailed from Rio. Phillip had every reason to be satisfied with the attentions paid to him and his officers during their stay there, which evidently formed a very pleasant break in the long voyage. Everything had gone well so far; but his letters show the extreme anxiety with which he scrutinised every detail connected with the health of his people.

I have been prevented sailing this morning from the accounts being not yet finally settled—that is, the vouchers not yet sent off. I sail to-morrow, and at the Cape shall have more time, for here, as the only one that understands the language, I have been obliged to be linguist and commissary. By the master of the Sirius you will have some private as well as public letters, and by a ship going to Lisbon you will receive this and copies of my public letters sent by the master; who, as he met with his accident in doing his duty on board the ship, will, I hope, get some little provision.

I have told you in one of my letters how far the Vice-King (the same who was here when I past for India) has carried his politeness, and that tho' I desired much to be received here as the captain of the Sirius only, and for which I had particular reason, he refused my request, and gave it out in orders that I received the same honor as himself, that is, as Captain-General. This has prevented my having any house on shore, and that for obvious reasons.

I have endeavored to explain to Mr. Rose why I have drawn on the Treasury for £135. The little matters paid by me when the ships were at Portsmouth, and the expenses here in procuring seeds and plants that are not publicly sold, could not be paid for

1787

September.

Departure
from Rio.Knowledge
of Portu-
guese.Public
honours.Financial
matters.

1787
October. by the Commissary. To have hired a store and the island would have been more than the whole sum. The things have been granted as favours, but returns expected, and I made them first at my own expense, till I found I was £100 out of pocket, and then thought that Government had not been so very liberal to me as to make it necessary to pay such a compliment.

Government
not very
liberal.

Seeds and
plants.

If I can preserve the seeds and plants procured here, I shall be very indifferent about those articles at the Cape. Sir Joseph Banks will receive from the master a small box that contains some plants he was very anxious to procure.

Rams.

The rams are in good health, and my breeding sows, as well as the ladies, seem well calculated for the end proposed.

I intend making a very short stay at the Cape, as the ships are now in much better order than when they left England.

The last letter written on the voyage out was addressed to Nepean from the Cape of Good Hope, undated. The fleet had anchored in Table Bay on the 13th October, and remained there till the 12th of the following month. Mynheer Von Graaffe, the Dutch Governor of the Cape, did not pay such attentions to his visitors as the Viceroy of the Brazils had done; but they were supplied with provisions for the fleet, as well as the plants and live stock required for the colony.

At the Cape.

Difficulty
about sup-
plies.

You will please to inform the Right Hon. the Lords Commissioners of the Admiralty that I sailed from Rio Janeiro the 4th of September and anchored here the 13th of October with the ships under my command. Having immediately on my arrival requested permission to procure refreshments and such provisions as were wanted for her Majesty's ship Sirius and Supply tender, I was informed that, the crops of corn having failed the year before last, the inhabitants had been reduced to the greatest distress, and that I could not be permitted to purchase any flour or bread. I, however, obtained an order for three days' bread for all the ships; and as I found on inquiry that the last year's crops had been very good, I requested, by letter to the Governor and Council, permission to purchase what provisions were wanted for the Sirius and Supply, as likewise corn for seed, and what was necessary for the live stock intended to be embarked at this place. The three days granted for the bread being expired, leave was given for three

no longer, and which permission was afterwards continued till 1787
 23rd, when I received an answer from the Council, who had October.
 given that time to deliberate on my letter of the 15th, granting
 permission to receive bread daily for the use of the ships while we
 remained in this port, and the same evening I received a letter
 from the Governor granting all my demands.

Our passage from Rio de Janeiro was very favourable. The Good
 number of sick on our arrival here was twenty marines and ninety- passage.
 three convicts. The Sirius and Supply had only eight sick on
 board, and as all the ships were very amply supplied with soft
 bread, vegetables, and fresh meat, I did not think it necessary to
 and any of the sick. Their lordships will see by the returns
 that there are very few sick at present.

We are now ready for sea. What live cattle the ships can stow Ready
 are now getting on board, with such grain and seeds as was wanted, for sea.
 and I shall sail immediately. The remaining so long before I could
 obtain leave to procure the necessaries we wanted has detained me
 longer in this port than I wished, but it will, I hope, be the means
 of keeping the people in health for the rest of the passage.

While at the Cape, Phillip availed himself of every Plants
 opportunity for the purpose of procuring the plants and seed and seed.
 required for his farming operations. "As it was earnestly
 wished to introduce the fruits of the Cape into the new
 settlement, Captain Phillip was ably assisted in his endeav-
 ours to procure the rarest and the best of every species,
 both in plant and seed, by the King's botanist."* The col-
 lection made, both at the Cape and at Rio, included almost
 every kind of useful plant considered likely to thrive in the
 new country. With most of them Phillip's expectations
 were fully realised from the first; but it took time and
 experience to learn that the coffee, cocoa, cotton, and banana Tropical
 plants, collected at Rio, required a rather more tropical plants.
 climate than that of Botany Bay. Nor were the ipecacu-
 anha and jalap plants, laid in at Rio, destined to take
 any place in the list of exports from the colony; but the
 orange, lime, and lemon trees obtained there made ample

* Collins, p. xxvii.

- 1787 amends for failure in other directions.* The selection made
 October. at the Cape proved an unqualified success; the plants included the vine, quince, apple, pear, and strawberry, with the oak, myrtle, and fig trees, the bamboo and the sugarcane, as well as grain seed of every kind.
- Live stock. Sheep, cattle, and horses were also obtained at the Cape, but the selection was not made with anything like the care devoted to the plants. All the stock taken on board on public account were—one stallion, three mares, three colts, two bulls, six cows, forty-four sheep, four goats, and twenty-eight hogs.† Phillip and the officers of the marines made private purchases on their own account, but, as Captain Tench informs us, their original intentions on this head were
- High prices. materially affected by the prices they were asked to pay. This consideration probably deterred Phillip from making a larger investment than he did; but the list of his purchases seems painfully economical when compared with the extent and nature of the territory for which the stock was intended. With all his confidence in the future of the colony, no idea of its capabilities for stock-breeding ever entered his mind. The one fact which ultimately more than satisfied all his predictions never even occurred to him; and hence it was that he sailed away from the Cape to the greatest pastoral country in the world with a few head of cattle and sheep, barely sufficient to stock the farm of an ordinary settler.
- Small farming.

* Bennett, *Gatherings of a Naturalist*, p. 306—"The Orange-tree in Australia."

† Hunter, p. 31; Collins, p. xxvii; Tench, p. 38. Phillip purchased upwards of seventy sheep on his own and on Government account, of which one only was alive when he wrote his despatch on the 28th September, 1788; post, p. 343.

ENGLAND A HUNDRED YEARS AGO.

THE fact that Phillip's expedition attracted very little public attention in England is one of the most striking circumstances connected with it. Measured by its results, it may be said to have been one of the greatest events in English history during the eighteenth century, just as Sir Walter Raleigh's attempts to colonise North America formed one of the greatest events of the sixteenth; but few except Phillip seem to have formed any conception of its real importance. The Ministers who organised it and carried it into execution introduced it to the notice of Parliament simply as a plan for the disposal of felons and the relief of gaols. No one in the House of Commons had much to say about it. Lord Sydney claimed no credit for it. Pitt never made any reference to it. Burke, whose sympathy with the American colonists had been so strongly moved for many years previously, and who, beyond all his contemporaries, had learned to appreciate the importance of the colonies, was silent upon the subject. He touched the skirts of it, so to speak, in 1785, when he pleaded for some merciful consideration towards the unfortunate people who were then awaiting transportation, crowded together in the gaols to the number of 100,000. The swampy coasts of Africa were then supposed to be their destination. It was understood that the Government had some design of establishing convict settlements in that part of the world, notwithstanding its known unhealthiness; and probably Burke's protest against any such project, which he pronounced inhuman,

1787

Indifference
to the Expedition.Conciliation
with
America,
1774.Penal settle-
ment on the
African
coast.

1787 had some share in its ultimate abandonment. There can be no doubt that "the idea of colonising Africa with felons," to which he alluded, had assumed some shape, however indefinite, in the minds of Ministers. The despatch of the *Nautilus* to the African coast, to which Lord Sydney referred in the letter already quoted, is sufficient evidence on that point. The ship was sent on the recommendation of a Committee of the House of Commons, to "explore the southern coast of Africa in order to find out an eligible situation for the reception of convicts, where, from their industry, they might soon be likely to obtain means of subsistence"—in other words, to become self-supporting. In pursuance of these instructions, the eastern coast was carefully explored from Port Mozambique to the southern borders of Kaffirland; but the report brought back by the *Nautilus* was so unfavourable—the coast being pronounced "unfit for settlement"—that the scheme was immediately abandoned. The Government then fell back on the proposals made for colonising New South Wales.

African
exploration.

The scheme
abandoned.

Political
situation.

England at
peace.

The silence which prevailed in Parliament with respect to the Expedition was not owing to the existence of far more important events, such as wars abroad or disturbances at home. It was a year of profound peace in England. The long and disastrous struggles in which the country had been engaged for many years previously had been brought to an end shortly before. The war with the American colonies, which began in 1775, was finally closed in 1783; and the contest with France and her allies, Spain and Holland, was brought to an end in the same year. For ten years afterwards England lived at peace with her neighbours, until the great war of the French Revolution broke out. There was no foreign complication, therefore, to distract the national attention while Sydney and his colleagues were maturing their plans for the establishment of a new colony in the southern hemisphere; and even supposing that all proposals of the kind had become absolutely distasteful to the British

public by reason of their bitter experience in North America, it is difficult to find a reasonable explanation of the profound indifference with which the Expedition of 1787 was regarded in political circles. It did not occur to the most far-sighted statesmen of the day that a new empire might date its history from the day on which Commodore Phillip's fleet should furl its sails in Botany Bay. There was no Canning to rise in the House of Commons and declare that he had called into existence a new world in order to redress the balance of the old. If we turn to the political history of the time, in order to ascertain the momentous questions which absorbed the attention of Parliament, there is nothing that can be placed in comparison, as a matter of historical importance, with the colonisation of New South Wales.

1787
A new
empire.

The great subjects of parliamentary discussion at that time have all faded more or less into oblivion; even the speeches of the most renowned orators of the day awake but a languid interest in the reader. Perhaps no questions gave rise to greater excitement in political and social circles during the year 1787 than those which turned on the rumoured marriage of the Prince of Wales—afterwards George the Fourth—with Mrs. Fitzherbert, and the payment of his Royal Highness's debts. Public interest became intense when Fox made his celebrated declaration on "direct authority," that the alleged marriage "not only never could have happened legally, but never did happen in any way whatever." This sensation, however, had hardly subsided than another took its place, when it became known that the marriage had really happened after all, and that the great orator had been painfully duped by his princely friend. Such were the absorbing topics of discussion in the month of April, 1787; now, they barely deserve a place in the history of the nation. During Phillip's last days in England before the departure of the Fleet, Burke, Fox, and Sheridan were addressing the House from day to day on "the articles of charge against Mr. Hastings." On the 10th of May,

Questions
of the day.

The Prince
of Wales
and Mrs.
Fitzherbert.

Warren
Hastings.

The great
impeach-
ment.

1787 Burke's motion "that the said W. Hastings, esquire, be impeached of High Crimes and Misdemeanors," having been carried, the majority of the Commons immediately attended Mr. Burke to the bar of the House of Peers, where he solemnly impeached Mr. Hastings accordingly. On the following day he reported to the House that he had been to the bar of the House of Lords in obedience to their commands, and there, in the name of the House of Commons and of all the Commons of Great Britain, impeached Warren Hastings, esquire, of High Crimes and Misdemeanors.* The ex-governor of Bengal then succeeded the Prince of Wales as the centre of attraction in English politics; Mrs. Fitzherbert and her marriage ceased to monopolise the conversation of society, and the approaching trial before the Peers was looked upon as one of the monumental events of English history.

The Expedi-
tion has no
place in
English
history.

That was the great sensation of the day; and in the midst of all the excitement it occasioned the *Sirius* and her convoy set sail for their destination without the faintest demonstration of public interest in the matter. It was not even recognised as a national event in the historical records of the time. The comprehensive summary of contemporary history originated by Burke, and known as the *Annual Register*, made no mention of it in its chronicle of passing events.† Strangely enough, the indifference with which it was regarded at the time seems to have influenced later historians to such an extent that they have all apparently agreed to ignore it. Massey's *History of the Reign of George the Third*, for instance—a work professedly written "to illustrate not only the Political and the Military but the Social History of England" during that period—does not contain the slightest reference to it; and yet Massey wrote as late as 1863. A history of the reign of Elizabeth, or of the reign

* Parliamentary History for 1787, vol. xxvi, p. 1147. The trial began in the following year, lasted for seven years, and ended in a verdict of acquittal.

† Post, p. 466.

of James the First, which should make no mention of the attempts to colonise North America, would certainly not be considered either a complete or a philosophical one; but all the histories that have been written of the times of George the Third may be searched in vain for a sketch of Captain Phillip or an account of the First Fleet. Had it been a secret expedition against a Spanish outpost or a French colony, it would no doubt have been watched with the liveliest interest, and its movements would have figured conspicuously in the annals of the time; but being nothing more than a colonising movement, there seems to have been little in it either to attract the notice or touch the sympathies of the nation.*

1787

Indifference
to colonisa-
tion.

* Lecky's History of England in the Eighteenth Century—a much more philosophic production than Massey's—disposes of the whole subject in the following sentence :—“The same energy which showed itself in reckless and distempered speculation showed itself also in commercial enterprise; the discoveries of Captain Cook extended the horizon of the world, and in New Zealand and Australia he founded colonies which already contain a far greater English population than the American colonies at the time of their separation, and which seem likely to play a great and most beneficent part in the history of mankind.”—Vol. vi, p. 187.

SIR JOSEPH BANKS.

1787-1810 **Geographers and naturalists.** THERE were one or two sections of society, no doubt, which may be supposed to have taken some active interest in the movement. Cook's First Voyage of Discovery, written by Hawkesworth and published in 1773, had made a deep impression on the scientific mind at the time, and the feeling was revived when it became known that the Government had determined to occupy the territory which the celebrated seaman had explored on the east coast of New Holland. The only living man of note who had any personal knowledge of the country was Sir Joseph Banks, to whom the nation was indebted for all that it cared to hear about New South Wales. It was from his "accurate and circumstantial journal of the voyage,"* we may believe, that Hawkesworth wrote his pretty descriptions of the meadows and lawns of Botany Bay, the beautiful wild flowers, the birds of exquisite plumage, the delightful climate, the kangaroo and the turtle, the Indians fishing in their canoes, and the various incidents which the explorers met with on their excursions inland. Sir Joseph was President of the Royal Society, the most enthusiastic patron of science known in English history, in great favour with George the Third, and a man of unbounded influence with the Government throughout the active portion of his life. "He it was," wrote Lord Brougham, speaking from his personal knowledge of the man, "who may be truly said to have planted and founded the colony of Botany Bay."† If

The meadows at Botany Bay.

The founder of the colony.

* Hawkesworth, introduction, vol. ii, p. xiii.

† Lives of Philosophers of the Time of King George the Third. Mr. George Suttor, in a short memoir of Sir Joseph Banks written from personal knowledge and published at Parramatta in 1855, said:—"The establishment of our colony at Botany Bay originated entirely with Sir Joseph Banks."



Reproduced by Heliotype from Martin's "British Colonies."

Jos: Banks

he was not the planter and founder of the colony, he might be fairly described as its patron saint. He was consulted by Lord Sydney before the Cabinet had resolved to send out an expedition, and it was on his recommendation that the bay was fixed upon as "the site of the new intended settlement." For many years afterwards and through many changes of administration, his advice was sought on every matter of importance connected with the colony. The collection of letters and other documents which he left behind him at his death, known as the Brabourne* papers, contains abundant evidence of the anxious interest he continued to feel in the progress of the settlement. Every one connected with it seemed to know that Sir Joseph was the proper person to communicate with when anything required to be done at head-quarters. Many striking instances might be quoted from his correspondence; but the following will be sufficient for the purpose.

A patron
saint.

The Banks
papers.

The Rev. Samuel Marsden, who came out to the colony in 1794 and who combined farming and wool-growing with his missionary labours, wishing to obtain "some of the choicest fruits we have not got, and also two good English rams," wrote him from Sydney, on April 27th, 1803, and began by saying:—

Samuel
Marsden.

Honoured sir,—I flatter myself you will excuse the liberty I have taken in addressing these few lines to you. Tho' I have not the honour of any personal knowledge of you, yet, sir, from your known ardent wish to promote the good of the colony, I have presumed to trouble you with this sheet.

Another correspondent, William Wilson, captain of a merchant ship, writing from Monument Yard on June 24th, 1806, mentioned that when he commanded a ship six

a Captain
Wilson.

* The collection would be more correctly styled the "Sir Joseph Banks Papers." They came into the possession of Lord Brabourne through his connection with Sir Joseph. Lord Brabourne is the great grandson of Sir Edward Knatchbull, whose wife was a sister of Lady Banks, a daughter of William Weston Hugessen. His lordship was raised to the peerage in 1880. The collection was purchased from him by Sir Saul Samuel, Agent-General for the colony.

1787-1810 years previously he had sailed to New South Wales, and had visited the island of Otaheite on three occasions :—

By these voyages I have learnt that both the islanders there, and the colonists of New South Wales, justly look up to you as the patron and promoter of their prosperity.

East India
Company.

And in a memorial which Wilson enclosed, praying for relief against the arbitrary action of the East India Company in seizing a ship and cargo of seal skins and oil from the colony, he said :—

Colonists
look for
protection
to Banks.

The colony of New South Wales and its dependencies, daily rising in importance to the mother country, the inhabitants, many of whom have never forfeited one privilege of British subjects, look homeward with anxiety for encouragement to the industry which is excited among them. In their remote situation, solicitude for a conservator of their rights and a promoter of their welfare naturally directs their attention to you, honourable sir, who from the circumstance of your assent to the settlement being made, it is hoped will, by a continuance of support, not only be instrumental in rendering the colonists comfortable in a great degree among themselves, but even be the means of carrying civilisation and all the blessings connected with it to the thousands of islanders in their neighbourhood.

Matthew
Flinders.

In many letters written by Matthew Flinders in 1801 on board H.M.S. Investigator at Sheerness, before his departure on the voyage which made him famous, the writer poured out his thanks to Sir Joseph for all that he had already done on his behalf. Flinders seems to have consulted him on every point connected with his expedition, especially when it was necessary to stir up the Navy and Victualling Boards, or to approach the Lords of the Admiralty for some special concession. And when mentioning that he had at last received his commission, he added that he felt himself entirely indebted to Sir Joseph's influence and kindness for it. In other letters, written from the Isle of France in 1804-5-6-7, when poor Flinders was kept in close confinement as a State prisoner by the French Governor de Caen, he appealed to "my patron," Sir Joseph, for assistance in his calamity.

Indebted to
Banks for
commission.

Another unfortunate officer in the navy figures prominently among his correspondents. One of the earliest letters in the collection is from William Bligh, the celebrated lieutenant of the *Bounty*. It is dated August 6th, 1787, and confirms Brougham's statement that it was Sir Joseph "who suggested the means of transplanting the bread-fruit tree from the South Sea Islands to the West Indies." Bligh wrote immediately after his arrival in London:—

1787-89

William
Bligh.The bread-
fruit.

I arrived yesterday from Jamaica, and should instantly have paid my respects to you had not Mr. Campbell told me you were not to return from the country until Thursday. I have heard the flattering news of your great goodness to me, intending to honor me with the command of the vessel which you propose to go to the South Seas.

This letter is followed by a series of other communications from Bligh, written in the same strain. One of the most remarkable is dated from Timor, June 14th, 1789—two days after he had arrived there—enclosing a narrative of the mutiny among the sailors of the *Bounty*, and of his voyage in the open boat to Timor. "I have not given so full an account to the Admiralty," he says. The correspondence was continued for many years afterwards, including the period during which he was Governor of New South Wales. In one of his letters, dated 30th June, 1808, he gave his patron a lengthy "account of the Rebellion" headed by Lieutenant-Colonel Johnston. On both these occasions Bligh's first thought evidently was to place Sir Joseph Banks in possession of the facts of his case; reporting events to him with as much minuteness as if he had been writing a despatch to the official head of his department. His unfortunate history for twenty years reveals itself with curious distinctness in the discoloured but still legible sheets of paper preserved by his friend.

At Timor.

The mutiny.

The rebel-
lion.

There was no point of resemblance between Flinders and Bligh as regards personal character; but each of them was a victim of unexpected disaster, and each showed the same

Flinders
and Bligh.

1798 attachment to Sir Joseph Banks. It is curious to observe how they both turned instantly and hopefully to him when misfortune overtook them, as if they felt instinctively that either his hand must help them, or none at all.

A friend in need.

Exploration in 1798.

These are memorable instances of the singular influence exercised by Sir Joseph with respect to men and matters connected with New South Wales. A remarkable illustration of his fatherly interest in it may be found in a draft letter written by him to the Secretary of the Treasury in June, 1798. The necessity for exploring the interior of the colony with a view to the development of its resources had evidently occupied his attention; and in the course of his letter he sketched out a plan for the purpose, in which he seems to have felt great confidence. He began by pointing out how much this matter had been neglected:—

No imports.

We have now possessed the country of New South Wales more than ten years; and so much has the discovery of the interior been neglected that no one article has hitherto been discovered, by the importation of which the mother country can receive any degree of return for the cost of founding and hitherto maintaining the colony.

A country so extensive must possess a large river system and raw material of some kind:—

Rivers and raw material.

It is impossible to conceive that such a body of land, as large as all Europe, does not produce vast rivers capable of being navigated into the heart of the interior; or that, if properly investigated, such a country, situate in a most fruitful climate, should not produce some native raw material of importance to such a manufacturing country as England is.

Mungo Park.

A celebrated traveller had just arrived in England, fresh from the work of exploration:—

Mr. Mungo Park,* lately returned from a journey in Africa, where he penetrated farther into the inland than any European

* Mungo Park was sent out to Africa in 1795 on his first exploring expedition by the African Association, on the recommendation of Sir Joseph Banks, a prominent member of the committee. He returned to England in December, 1797. His second expedition to that country, on which he set out in December, 1803, was undertaken at the request of the Government, and proved fatal to him.

before has done, by several hundred miles, and discovered an immense navigable river running westward, which offers the means of penetrating into the centre of that vast continent, . . . offers himself as a volunteer to be employed in exploring the interior of New Holland, by its rivers or otherwise, as may in the event be found most expedient. 1789
His discoveries in Africa.

His character and qualifications were beyond question:—

His moral character is unblemished, his temper mild, and his patience inexhaustible, as he has proved during his African expedition. He is sufficiently versed in astronomy to make and to calculate observations to determine both latitude and longitude; he knows geography enough to construct a map of the countries he may visit; draws a little; has a competent knowledge of botany and zoology; and has been educated in the medical line. His attainments.

He is very moderate in his terms; he will be contented with 10s. a day and his rations, and happy if his pay is settled at 12s. The amount of his outfit for instruments, arms, presents, &c., will not, I think, exceed £100. He will want a decked vessel of about thirty tons, under the command of a lieutenant, with orders to follow his advice in all matters of exploring. Such a vessel may easily be built in the colony, if the one already there, which is found to have very bad qualities as a sea boat, cannot be made sufficiently trustworthy; and Lieutenant Flinders, a countryman of mine, a man of activity and information, who is already there, will, I am sure, be happy if he is entrusted with the command, and will enter into the spirit of his orders, and agree perfectly with Park. Proposed equipment.
Flinders and Park.

The crew of such a vessel need not, in my opinion, consist of more than ten men—four for boat-keepers and six to proceed in the country with one or both the commanders, as may happen, when the land journies are to be attempted. An exploring vessel.

In the event of this project being carried into execution, Sir Joseph expressed his readiness to draw up instructions for the parties and to correspond with them during the execution of their plans, under the superintendence of the Treasury—"such hopes have I of material discoveries being made, and such zeal do I feel for the prospects of a colony in the founding of which I bore a considerable share." Instructions and correspondence.

1798-1806 This proposal, however, does not seem to have met with any acceptance at the hands of the Government, who were probably too much occupied with the war in which they were then engaged with France to think of fitting out exploring expeditions to New South Wales. Had the suggestion been adopted, it may well be supposed that, although Mungo Park's idea of exploring the interior by sailing up large navigable rivers might not have been realised, he and Flinders together could hardly have failed to anticipate some of the discoveries made in later years. But the plan was more feasible on paper than it would have been found in practice. In that respect it resembles a proposal made by Flinders to Sir Joseph Banks, in a letter written from Wilhelm's Plains in the Isle of France, March 20th, 1806:—

Proposal not adopted.

A proposal from Flinders.

Should a peace speedily arrive, and their lordships of the Admiralty wish to have the N.W. coast of Australia examined immediately, I will be ready to embark on any ship provided for the service that they may chuse to send out. My misfortunes have not abated my ardour in the service of science. . . . With five or six asses to carry provisions (and they can be procured here), expeditions might be made into the interior of Australia from the head of the Gulph of Carpentaria in 18°, and from the head of the Great Gulph on the south coast in 32°, until the courses should nearly meet: five hundred miles each way would most probably be sufficient, since the country does not appear to be mountainous; a view of my general chart will exemplify this. In case of being again sent to Australia, I should much wish that this was a part of my instructions.

Asses in the desert.

Perhaps it was a fortunate thing for Flinders that his project for exploring the interior "with five or six asses to carry provisions" was not adopted, or the world might have lost his subsequent contributions to geographical science. But although the idea of exploring Australia in that fashion may provoke a smile, a somewhat similar one was not unsuccessful in later years. When Captain Grey set out from Hanover Bay in 1837 on his exploring tour in the north-west, he took with him twenty-six ponies, for which he had sent to Timor. Although they were "very small and

Timor ponies.

perfectly wild," they proved useful, if they did not exactly answer the purpose.* 1797-99

Sir Joseph was never tired of expressing his conviction as to the great future which lay before the colony; nor was his confidence in it ever shaken, even in the darkest hours of its early years. Among the many expressions of his opinion on the subject to be found in his correspondence, the following passages in letters to Governor Hunter, written in 1797 and 1799, deserve attention :—

Banks's
confidence
in the
future.

The climate and soil are, in my own opinion, superior to most which have yet been settled by Europeans. I have always maintained that assertion, grounded on my own experience, but have been uniformly contradicted, except by Governor Phillip, till your last favors have taken away all doubts from the minds of those who have been permitted to peruse them.

Climate
and soil

Your colony is already a most valuable appendage to Great Britain, and I flatter myself we shall, before long, see her Ministers made sensible of its real value. Rest assured in the meantime that no opportunity will be lost by me of impressing them with just ideas of the probable importance to which it is likely before long to attain, and to urge them to pay it that degree of attention which it clearly deserves at their hands.

Already
valuable.

He was writing in a time of gloom and disaster in Europe, and naturally turned his eyes to the star rising in the southern sky :—

I see the future prospect of empire and dominion which now cannot be disappointed. Who knows but England may revive in New South Wales when it has sunk in Europe?

A new
world.

* The gradual development of the art of exploration is an interesting feature in its history. For means of carriage our first explorers, when they left the rivers, had to depend on their own backs; then came the pack-horse, the bullock-team, the dray and cart, with boats for river work, and lastly camels. Oxley, in 1817, travelled with boats and bullock-teams; Sturt, in 1828, relied on bullock-teams and pack-horses; Mitchell started on his expedition of 1835 with two boats carried on a boat-carriage, seven carts drawn by bullocks, and seven pack-horses; Eyre set out in 1840 with drays and pack-horses; Leichhardt, in 1844, travelled with eight bullocks carrying pack-saddles; in 1847 he took with him one hundred and eighty sheep, two hundred and seventy goats, forty bullocks, fifteen horses, and thirteen mules; while Burke and Wills, in 1860, travelled in unprecedented pomp with twenty-seven camels, led by sepoy, with waggons and pack-horses bringing up the rear.

AUSTRALIA A HUNDRED YEARS AGO.

1787 Who it was that originally applied the name Australia to the land once known to geographers, incorrectly, as Terra Australis, and afterwards as New Holland, has been a standing subject of discussion for many years. When Phillip was sent out on his colonising expedition, the word Australia was certainly not in common use. The whole of the territory included within the limits of his Commission was known as New South Wales ; the rest of the continent still retaining the title given by the Dutchmen to that portion of it which they claimed by virtue of discovery.* It was not till many years afterwards that these names gave place to that of Australia as the designation of the whole continent. Flinders has been generally credited with the selection, or at least with the first public application of the word, in his Voyage to Terra Australis, published in 1814, in which he wrote :—

A problem
unsolved.

Flinders's
suggestion.

Had I permitted myself any innovation upon the original term, Terra Australis, it would have been to convert it into AUSTRALIA, as being more agreeable to the ear and an assimilation to the names of the other great portions of the earth.

His charts.

The collection of charts published with the narrative of his voyage contains a preliminary one entitled—"General Chart of Terra Australis, or Australia." This chart having

* "The original name, used by the Dutch themselves until some time after Tasman's second voyage in 1644, was Terra Australis or Great South Land ; and when it was displaced by New Holland, the new term was applied only to the parts lying westward of a meridian line passing through Arnheim's Land on the north, and near the Isles of St. Francis and St. Peter on the south ; all to the eastward, including the shores of the Gulph of Carpentaria, still remained as Terra Australis."—Flinders, Introduction, p. ii.

necessarily come into the hands of navigators and geographers, it may be supposed that the name applied to the country by Flinders was gradually adopted by them in the first instance, and so met with general acceptance. The change of name suggested by him seems to have been effected during the ten years which succeeded the publication of his work.* But it would not be correct to say that he was the first geographer to make use of the word. He had seen it in Dalrymple's Collection of Voyages in the South Pacific—a work which, comprising, as it did, all the geographical knowledge on the subject at that time, was certainly well known to Flinders. The author was a great authority on geography during the period in which he wrote—a fact sufficiently shown by his appointment as hydrographer to the Admiralty. In the introduction to his Collection of Voyages, alluding to the different divisions of his work adopted by de Brosses in his *Histoire des Navigations aux Terres Australes*, Dalrymple said :—

1787

Dalrymple,
1770.

I have inserted another head of partition, AUSTRALIA, comprehending the discoveries at a distance from America to the eastward.

Under this title he classified “all the lands and islands to the eastward of South America.” The idea was probably suggested by the name Austral-Asia, applied by de Brosses to the discoveries in the South Pacific, exclusive of those to

De Brosses,
1756.

* In the first edition of his Description of the Colony, published in 1819, Wentworth referred to it simply as situated on the east coast of New Holland; but in the third edition, published in 1824, he added, that “the most eminent modern geographers have given to it the very appropriate name of Australia.” The change of name would seem to have taken place between those dates. O'Hara's History of New South Wales, the first edition of which appeared in 1817, and the second in 1818, made no mention of Australia in either, using the old name only. As it may be assumed that neither O'Hara nor Wentworth would have overlooked a point of so much interest as the adoption of a new name for the territory, had it occurred previously to the time when they compiled their works, the change may be said to date from about 1820. See note, p. 92.

† An Historical Collection of the several Voyages and Discoveries in the South Pacific Ocean, by Alexander Dalrymple, Esq., London, 1770. In his work on the Early Voyages to Terra Australis, now called Australia, published by the Hakluyt Society in 1859, the author, R. H. Major, speaks of Dalrymple as one “to whom, perhaps next to Hakluyt, this country is the

1787 which he had given the names Magellanica and Polynesia.*

Australasia.

As de Broses may be fairly credited with the authorship of the term Australasia, there seems equal reason for attributing to Dalrymple the definite application of the name Australia to this country, although he gave a much more extended meaning to it in his work than we do now. The *Histoire* was published in 1756, fourteen years before Dalrymple's work appeared; consequently the two publications were in the hands of every French and English geographer of the time.

Flinders and Dalrymple.

That Flinders was well acquainted with the writings of the English geographer is evident from his work; he quotes in his introduction, for instance, a paper translated by Dalrymple, of which he says that it "furnishes more regular and authentic accounts of the early Dutch discoveries in the East than anything with which the public was before acquainted." The paper referred to was "a copy of the instructions to Commodore Abel Jansz Tasman for his second voyage of discovery," which had been procured from the Dutch authorities by Sir Joseph Banks.

Banks and the Dutch explorers.

Although Flinders expressed his appreciation of the name which soon afterwards became an established title in geography, it is singular that he should have rejected it in

most largely indebted for its commercial prosperity." According to the introduction to Cook's Third Voyage, it was owing to "the great sagacity and extensive reading of Mr. Dalrymple" that Torres' track through the straits named after him was brought to light, the geographer having pointed it out in his Chart of Discoveries in the South Pacific Ocean before 1764. Dalrymple was born in 1737 and died in 1808. Among his numerous productions was an anonymous pamphlet, published in 1786, in which he attacked the proposal to found a colony at Botany Bay; post, p. 468.

* Captain Sturt, alluding in the preface to his *Two Expeditions*, 1833, to the change of name from New Holland to Australia which had taken place "of late years," said:—"The change was, I believe, introduced by the celebrated French geographer, Malte Brun, who, in his division of the globe, gave the appellation of Australasia and Polynesia to the new discovered lands in the Southern Ocean." So far from introducing the name in question, Malte Brun endeavoured to suppress it in favour of his own invention—Oceanica:—"The fifth part of the world will be called Oceanica, and its inhabitants Oceanians; names which will supersede the unmeaning or inaccurate designations of Australasia, Notasia, Austral India, and Australia." Nor was it Malte Brun, but de Broses, who introduced the names of Australasia and Polynesia. The first volume of the *Geographie Universelle* appeared in 1810.

favour of the old term *Terra Australis*. That he did so, 1787
and after mature consideration of the matter, is clear from
his own words :—

It is necessary to geographical precision that so soon as New Holland and New South Wales were known to form one land, there should be a general name applicable to the whole ; and this essential point having been established in the present voyage with a degree of certainty sufficient to authorise the measure, I have, with the concurrence of opinions entitled to deference, ventured upon the re-adoption of the original *Terra Australis* ; and of this term I shall hereafter make use when speaking of New Holland and New South Wales in a collective sense ; and when using it in the most extended signification, the adjacent isles, including that of Van Diemen's Land, must be understood to be comprehended.

The ancient
name
adopted by
Flinders.

This attempt to revive *Terra Australis* as the designation of the continent was not destined to succeed ; on the contrary, the name seems to have wholly disappeared at the very time when it was expected to become popular again. It might be supposed that a practical seaman like Flinders would have been the last to adopt a suggestion which could only find favour among the pedantic geographers of his day, whose attention was concentrated on the mere history of discovery in the South Sea. Historical continuity was no doubt in favour of the old classical phrase ; but as soon as the navigation of the Pacific became a mercantile speculation rather than a voyage of discovery, the question of terminology had to be settled by shipowners and their captains, whose necessities would require a more appropriate name than either *Terra Australis* or New Holland. The admirable charts constructed by Flinders of course superseded the old ones, from which geographers and navigators alike had previously derived their information respecting the Great South Land. Each of his charts was entitled—"Chart of *Terra Australis*," excepting the preliminary one, which, as already mentioned, was termed—"General Chart of *Terra Australis*, or *Australia*." The Narrative of his Voyage, too, was described on the title-page of his work as

Disappearance of
Terra
Australis.

Flinders's
charts.

1787 a Voyage to Terra Australis. Thus he made it clear that, notwithstanding his personal preference for Australia, he had finally settled in his own mind the name which the country was to bear in future times.

It may be said, no doubt, that if Flinders was not the first to apply the term Australia to this continent, neither was Dalrymple; seeing he found the original form of the word —*Austrialia*—in a memorial presented by de Quiros to the King of Spain, which appeared in a work well-known to geographers—Purchas, His Pilgrimes, published in 1625. The word Australia is substituted for *Austrialia* in a note appended to this memorial, entitled—“a note of *Australia del Espiritu Santo*, written by Master Hakluyt.”* The memorial was also translated and published by Dalrymple in his Collection of Voyages, and consequently he had the indirect authority of de Quiros for applying the name of Australia to all the lands and islands to the eastward of South America. The land discovered by the Portuguese navigator was named by him *la Austrialia del Espiritu Santo*,† which Dalrymple translated “The Australia del

* Purchas, vol. iv, p. 1427–1432.

† He is supposed to have given this name for two reasons; first, because Philip the Third, King of Spain, was head of the House of Austria; and secondly, because possession of the country had been taken on the King's birthday, the festival of the Holy Spirit. *Austrialia* was therefore a distinctly different word from Australia. The eastern coast of New Holland, previous to the time of Cook's discoveries, was known on the maps by the name given by de Quiros. In the *Carte Générale*, published in 1756 by de Brosse with his *Histoire des Navigations*, the eastern coast is marked *Terre du St. Esprit*, and a point on the coast is termed *Manicolo*. The New Hebrides had not then been explored, and geographers had generally accepted de Quiros' assertion that he had discovered the veritable *Terra Australis*. Captain Cook, when sailing off Cape Tribulation, in June, 1770, wrote:—“We were now near the latitude assigned to the islands which were discovered by Quiros, and which some geographers, for what reason I know not, have thought fit to join to this land.” For many years after Cook's time, de Quiros was looked upon as the first discoverer of the country. Wentworth, in his Account of the British Settlements in Australasia, 1824, wrote:—“New Holland is said to have been discovered by the Spanish captain, Don Pedro Fernando de Quiros, in 1609”; although in the first edition of his work the discovery was attributed to the Dutch in 1616. He had either not read, or had forgotten, the summary of Australian discovery given by Flinders in the introduction to his Voyage, p. viii, in which the claim of de Quiros to the discovery in question takes its proper place.

Espiritu Santo"—a curious compound of English and Spanish. The literal rendering of the title would be—"The Southern Land of the Holy Spirit"; and in substituting "The Australia" for "The Southern Land," Dalrymple was apparently exercising his own judgment in the selection of an appropriate name. But de Quiros, again, was not in any sense the originator of the name in question; he did nothing more than translate the old Latin term into Spanish, just as the French geographers rendered it into their language in the shape of *La Terre Australe*. One of the earliest records in which that title can be found is an old French map—"faite à Arques par Pierre Descelliers, pbré : (presbytère) Jan: 1550"—in which a conjectural outline of the Great South Land is named *La Terre Australle*.^{*} The derivation of Australia from the old Latin, French, and Spanish names is so obvious that it would be useless to discuss the question of its authorship. The most rational supposition is that it came into vogue in much the same manner as the word America derived its existence from Amerigo—by a species of spontaneous generation. The distinction of authorship cannot be claimed either for Flinders, Dalrymple, de Quiros, or any other geographer in whose writings

1787
Australia
converted
into Aus-
tralia.

Old maps.

America
Amerigo.

* The original map is in the British Museum, but fac-similes of it were obtained for the Public Libraries of Sydney, Melbourne, and Adelaide. In another map of the same period, attributed to John Rotz, hydrographer, 1542, an outline of a large southern island is named the *Londe of Java*. A curious resemblance between some of the names marked on this map of *Jave la Grande* and those given by Captain Cook to his discoveries, formed the subject of some animated discussions among the geographers, reviewed by Major in his *Early Voyages to Terra Australis*.

Captain Burney also remarked the resemblance in his *History of the Discoveries in the South Sea*, 1803, vol. i, p. 381 :—"The coast here (of *Jave la Grande*) has nearly the same direction with the corresponding part of New Holland, but is continued far to the south; and by a very extraordinary coincidence, immediately beyond the latitude of 30 degrees, the country is named *Coste des herbaïges*, answering in climate and in name to Botany Bay. The many instances of similitude to the present charts, which are to be found in the general outline of this land, it is not easy to imagine were produced solely by chance."

These maps formed the subject of an interesting Paper read by J. H. Maiden, Esq., F.L.S., F.R.G.S., Curator of the Technological Museum at Sydney, before the New South Wales branch of the Royal Geographical Society of Australasia, on the 26th August, 1886; and published in the *Transactions of the Society*, vol. iv, p. 91.

1787 it may have appeared; but undoubtedly the publication in 1814 of the chart in which Flinders distinctly gave this name to the continent, may be said to have been mainly instrumental in fixing its place finally in our geography.*

The word
Australia
not in use
in Phillip's
time.

As there is no reason for supposing that the name Australia came into general use before 1820, it is clear that in Phillip's days it was to all intents and purposes unknown. New South Wales for the territory he was sent to govern, and New Holland for the rest of the continent, were the only names with which he could have been acquainted. Even if we suppose that he had met with the word Australia in Dalrymple's pages, he could not officially recognise any other names than those which he found on the charts which had been placed in his hands. Practically there was but one chart—that which had been constructed by Captain Cook while exploring the eastern coast from Point Hicks to Cape York. The rest of the continent was known only through the imperfect charts which had been made up from the voyages of the Dutch navigators and Dampier. How imperfect those charts were may be seen at a glance by

Cook's
chart.

* "In a despatch to Lord Bathurst, of April 4th, 1817, Governor Macquarie acknowledges the receipt of Captain Flinders' charts of 'Australia.' This is the first time that the name of Australia appears to have been officially employed. The Governor underlines the word. He states that it was in pursuance of his lordship's despatch of April 18th, 1816, that the expedition for prosecuting the discoveries recently made to the westward of the Blue Mountains had been fitted out; and, in a private letter to Mr. Secretary Goulburn, M.P., of December 21st, 1817, says, speaking of the expedition which had sailed that very morning for the west coast of Australia:—Lieutenant King expects to be absent from Port Jackson between eight and nine months; and, I trust, in that time, will be able to make very important additions to the geographical knowledge already acquired of the continent of *Australia*; which, I hope, will be the name given to this country in future, instead of the very erroneous and misapplied name hitherto given to it of New Holland, which, properly speaking, only applies to part of this immense continent."—Labilliere's *Early History of Victoria*, p. 184.

The natives of Australia are referred to by de Brosse, *Histoire*, p. 17, as *les Australiens*; but he does not apply the name to the country. So also in a French work of fiction—*Les Aventures de Jacques Sadeur*, published in Geneva in 1676—the savages are described as *les Australiens*, but the corresponding name is not applied to the country; although in the English translation it is applied. This work, which was published in 1693, appears to be the second English publication in which the name Australia can be found. In Callander's translation, from de Brosse, of "Gonneville's

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1. The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and most difficult in the history of science. The author discusses the various theories of the origin of life, and shows that the most plausible is the theory of spontaneous generation.

2. The second part of the paper is devoted to a discussion of the problem of the evolution of life. It is shown that the problem is one of the most important and most difficult in the history of science. The author discusses the various theories of the evolution of life, and shows that the most plausible is the theory of natural selection.

3. The third part of the paper is devoted to a discussion of the problem of the development of life. It is shown that the problem is one of the most important and most difficult in the history of science. The author discusses the various theories of the development of life, and shows that the most plausible is the theory of the development of life.

11

comparing the map of New Holland, published by Stockdale in 1787,* with a map of Australia at the present time. The straits which separated the coast-line of New Holland from that of Van Diemen's Land had not been discovered, and the latter was consequently regarded as forming part of the mainland. Phillip's jurisdiction was supposed to stretch in an unbroken line from the South Cape to Cape York; and even the configuration of the southern coast, including that of Van Diemen's Land, was a matter of conjecture.

1787

The straits
unknown.

"Voyage to Australasia," the word "Australians" is used as equivalent to *les Austraux*.

In Bayle's Dictionary, the first edition of which appeared in 1710, the word "Australia" occurs three times in note [G], art. Sadeur. "Lastly, the relations of voyages being very much in vogue at that time, he completed his works by his Australia, as he calls it." The country was not called Australia in Sadeur, but *la Terre Australe*. Bayle also speaks of "the Australians" in note [D].

It may be mentioned here that Captain Cook, under date 13 August, 1770, speaks of "the islands which were discovered by Quiros, and called *Australia del Espiritu Santo*." The name Australia was consequently not unknown to Cook.

In the introduction to Cook's Third Voyage, published in 1784, the writer asks, p. xiii,—“Who has not heard, or read, of the boasted *Tierra Australia del Espiritu Santo* of Quiros?”

The following passage occurs in a work on the Zoology of New Holland, published by Dr. George Shaw in 1794 (p. 2):—

“The vast island or rather continent of Australia, Australasia, or New Holland, which has so lately attracted the particular attention of European navigators and naturalists, seems to abound in scenes of peculiar wildness and sterility.”

The terms GREATER AUSTRALIA and LESSER AUSTRALIA are employed in a chart of the Missionary Ship Duff's voyage in 1796–7–8, to distinguish those countries of the Pacific Ocean which lie southward of the tropics. The Voyage was published in 1799.

And in the “Chart of the islands discovered in the South Sea to the year 1620,” prefixed to vol. ii of Burney's History of the Voyages and Discoveries in the South Sea (1806), the islands discovered by de Quiros are marked “*AUSTRALIA del Espiritu Santo*”;—that name being used frequently by the same author in his account of the voyage of de Quiros, pp. 299–320; see also Appendix No. II.

* The History of New Holland, from its first discovery in 1616 to the present time, with a particular account of its produce and inhabitants; and a description of Botany Bay. London, 1787.

Some interesting communications on the antiquities of Australian geography will be found in Notes and Queries, 7th series, under the title “Australia and the Ancients”; see i, pp. 408, 492; ii, pp. 36, 97; v, p. 356.

PHILLIP AND HIS WORK.

1788-92 THERE are few materials of much interest in the present day—if we except his letters and despatches from Sydney Cove—for a biography of Arthur Phillip. The scanty details of his career prior to the expedition of 1787 that have come down to us represent him as a naval officer of merit, but without many opportunities for distinction.* He held the rank of a post-captain in the Navy when appointed Captain-General and Governor-in-Chief of the new colony. But although Lord Howe was unable to see any special qualifications in Captain Phillip for such a command,* the event proved that the great admiral's judgment was as much at fault in that instance as it was when he expressed his doubts about the prospects of a settlement in New South Wales. Phillip's career in the colony showed that he possessed in full measure the qualifications required for the position in which he was placed. Had it been otherwise, he could not have shown the readiness of resource he did under the unexampled difficulties by which he was surrounded from first to last. But for his unwearied attention to every detail connected with the despatch of the First Fleet, it is not probable that the voyage would have met with the remarkable success which attended it. We have only to contrast it with that of the Second Fleet in 1790 in order to see how easily the whole expedition might have been wrecked—not by storm and tempest, but by mere neglect of duty. Making every allowance for favourable winds and weather while at sea, it must still be

Lord Howe's
opinions.

Manage-
ment of the
Expedition.

* Post, p. 495.



Phillip

admitted that nothing but the anxious precautions taken by Phillip in England and on his way out could have enabled him to bring his ships into harbour, after an eight-months' voyage through unknown seas, without having met with disaster in any shape, either to the ships or the people on board them. Surgeon White, the medical officer in charge of the settlement, recorded his feelings as he saw the ships at anchor in Botany Bay :—

1788-92

Surgeon
White.

To see all the ships safe in their destined port, without ever having by any accident been one hour separated, and all the people in as good health as could be expected or hoped for, after so long a voyage, was a sight truly pleasing, and at which every heart must rejoice.*

Another authority was equally emphatic :—

Captain
Tench.

Thus, after a passage of exactly thirty-six weeks from Portsmouth, we happily effected our arduous undertaking, with such a train of unexampled blessings as hardly ever attended a fleet in a like predicament. Of two hundred and twelve marines we lost only one, and of seven hundred and seventy-five convicts put on board in England but twenty-four perished in our route.†

Judge-Advocate Collins, too, with judicial precision and solemnity of statement, summed up the case in these terms :—

Judge-
Advocate
Collins.

Thus, under the blessing of God, was happily completed in eight months and one week a voyage which, before it was undertaken, the mind hardly dared venture to contemplate, and on which it was impossible to reflect without some apprehension as to its termination. This fortunate completion of it, however, afforded even to ourselves as much matter of surprise as of general satisfaction ; for in the above space of time we had sailed 5,021 leagues, had touched at the American and African continents, and had at last rested within a few days' sail of the antipodes of our native country, without meeting with any accident in a fleet of eleven sail, nine of which were merchantmen that had never before sailed in that distant and imperfectly explored ocean.

A perilous
voyage.

And when it is considered that there was on board a large body of convicts, many of whom were embarked in a very sickly state,

* Journal, p. 114.

† Tench, Narrative, p. 46.

1788-92 we might be deemed peculiarly fortunate that, of the whole number of all descriptions of persons coming to form the new settlement, only thirty-two had died since their leaving England, among whom were to be included one or two deaths by accidents; although previous to our departure it was generally conjectured that before we should have been a month at sea, one of the transports would have been converted into an hospital ship. But it fortunately happened otherwise; and the spirits visible in every eye were to be ascribed to the general joy and satisfaction which immediately took place on finding ourselves arrived at that port which had been so much and so long the theme of our conversations.

Health on board.

True reason of the success.

There was every reason, indeed, for rejoicing, when the history of the Second Fleet is borne in mind. But the Judge-Advocate did not show much acumen when he ascribed this singular good fortune entirely to the refreshments at Rio de Janeiro and the Cape of Good Hope, and "the excellent quality of the provisions" with which the ships were supplied by the contractor in England. Provisions alone would not have brought the fleet into Port Jackson with so much cause for congratulation.* It was owing to the provident care and foresight of its chief that the expedition met with unexpected good fortune at every stage; just as the success achieved by Captain Cook in his voyages was due rather to his own skill and good management than to the mere equipment of his vessels.†

We have only to trace the history of Phillip's administration in order to see the same characteristics attended

* Captain Tench was not quite so pleased with the provisions:—"When the reader is told that some of the necessary articles allowed to ships on a common passage to the West Indies were withheld from us; that portable soup, wheat, and pickled vegetables were not allowed; and that an inadequate quantity of essence of malt was the only anti-scorbutic supplied, his surprise will redouble at the result of the voyage."—Narrative, p. 46.

† Sir Joseph Banks, in a letter dated August 16, 1791, addressed to Mr. Richards, the contractor, said:—"It appears clear, however, from the remarkable healthiness of the crews that went out with Governor Phillip, and from the as remarkable unhealthiness of some transports that have arrived since, that the good sense and personal attention of the commanders to enforce cleanliness and order among these unfortunate people is the principal cause of the success with which they can be carried out. Government is always ready to allow the necessary expense, but not always able to find out proper people to take charge of the ships."

generally by similar results. From his landing at Botany Bay to his departure from the colony, he displayed all the energy, decision, and good sense which the manifold difficulties of his position seemed to require. The sound judgment shown in his selection of a site for the new settlement relieved it at once from the imminent risk of failure which would have hung over it, had he blindly followed his instructions and pitched his tents on the shores of Botany Bay. No spot on the coast of New South Wales was better adapted for the purpose than Sydney Cove* when Phillip first saw it; it remains to this day, and will always remain, the central point of Australian settlement. How much the fate of other colonies has been affected by well or ill-chosen sites for their capital cities, there is evidence enough in their history to show.† The selection of Sydney Cove seemed natural and easy enough, no doubt, after it had once been made; but the judgment shown in picking it out at a first glance might be compared with that of a victorious general in time of war, who takes up his position on the field and wins his battle. It is in acts of this description that the leaders of men show their capability for command; and undoubtedly Phillip gave good proof of his capacity in this instance.

1788-92

Sydney Cove.

Judgment shown in selecting site.

But no sooner had Phillip overcome the preliminary obstacles in his way than he was called upon to encounter

* "Had that river (the Hawkesbury) and its fertile banks been discovered before the establishment at Sydney Cove had proceeded too far to remove it, how eligible a place would it have been for the principal settlement!"—Collins, p. 540.

† Lieutenant-Governor Collins abandoned Port Phillip as unfit for settlement in 1803, and removed his establishment to the banks of the river Derwent in Tasmania. It is not probable that such a mistake would have been made by Phillip. Nor would he have had any difficulty in determining the question as to the best site for a settlement on the South Australian coast. The first settlers on that territory occupied Kangaroo Island, but Colonel Light, the surveyor sent out by the Home Government in 1836, removed the settlement to the plain on which Adelaide now stands. When Governor Hindmarsh arrived some months afterwards he condemned the site, and proposed to remove the settlement to Encounter Bay. The contention on this point lasted for over a year, and was not settled until the Home Government interfered by recalling the Governor and sending out another, who confirmed the action of the surveyor.

1788-92 the still greater difficulties which beset his path from day to day. He stood in a wilderness, of which he knew nothing, but which he was called upon to subdue with the aid of the most unpromising materials that could have been placed in his hands. He had to lay the foundation of a colony which, as he felt, would in the future prove to be the foundation of an empire;* to establish the machinery of a civil government; to provide for the administration of justice; to explore the territory inland and along the coast; to discover and develop its native resources; to secure friendly relations with the aborigines by whom he was surrounded; and to govern a community largely composed of the worst elements of society. Such were his functions as Governor of the territory; but he had a still harder task to perform. He had to face the results of the cruel negligence which left the settlement without any regular supply of provisions for long intervals of time, during which the people under his charge were threatened with a lingering death. That was by far the most trying as well as the most important of his many duties; but it was done, and neither in that nor in any other instance did he seek any credit for his work.

The task
before h.m.

The task ac-
complished.

Letters and
despatches.

It would be absurd to claim anything like genius for Phillip, for there is nothing to indicate that he possessed any of the higher forms of intellectual power. His letters and despatches show him to have been a man of ordinary education, and without any pretension to scientific or

* None of his officers seemed to share his predictions as to the future of the settlement. Tench wrote:—"Speculators who may feel inclined to try their fortunes here will do well to weigh what I have said. If golden dreams of commerce and wealth flatter their imaginations, disappointment will follow; the remoteness of situation, productions of the country, and want of connection with other parts of the world, justify me in the assertion."—Narrative, p. 138. Collins did not permit himself to indulge in any dreams of a brilliant future. "As to its utility, besides the circumstance of its freeing the mother country from the depraved branches of her offspring, it may prove a valuable nursery to our East India possessions for soldiers and seamen."—Preface, p. ix. Hunter did not commit himself to any expression of opinion, beyond saying that if the Government should determine to persevere in establishing a settlement upon an extensive plan, it would be attended with considerable expense to the nation. It would be necessary to stock the country with cattle, and to find people

literary attainments. But every line he has written is full of interest for us at the present day ; although the reader must be prepared to make large allowances in the matter of grammar and spelling, while there is not even a suspicion of style about his compositions. Perhaps they are all the more interesting on that account, because there is evidently nothing artificial or theatrical about them. There is no diplomacy in his language ; he says exactly what he thinks, and says it in the very words he might have used in conversation. The result is that his despatches have all the force of an original narrative, and the story he tells is as well told as we need wish it to be. If we compare his writings with the polished editions of them published in such works as Phillip's *Voyage* and other compilations of the same kind, we feel at once how much they have lost in point of liveliness and truth to nature. The story, for instance, told by himself of his interviews with the natives at Broken Bay, is quite a different piece of work from the same story re-written with editorial point and precision of language.*

Plain
English.

Evaporation
of interest.

A naval officer who had been at sea from the age of sixteen could hardly be expected to distinguish himself outside the ordinary work of his profession. Although it is

Limited
opportu-
nities for
distinction.

to look after the cattle.—*Journal*, p. 202. He was so thoroughly practical that, although he surveyed Port Jackson, he had not a word to say for it as regards its attractions, his attention being apparently absorbed by the natives whom he met along its shores. Surgeon White records that when Phillip returned to Botany Bay from his first visit to Port Jackson, he and his friends were "full of praises on the extent and excellence of the harbour." And his own impression is thus stated :—"Port Jackson I believe to be, without exception, the finest harbour in the universe, and at the same time the most secure." But he had nothing further to say in commendation of the country ; on the contrary, he wrote a very depressing letter about it from Sydney Cove in April, 1790 ; post, p. 506.

* Compare Phillip's despatch, post, pp. 283-6, with the reproduction of it in Phillip's *Voyage*, pp. 76-84. Phillip might have offered the same excuse for his literary deficiencies that Captain Cook did, when, in concluding the introductory discourse to his *Second Voyage*, he desired the reader "to excuse the inaccuracies of style," and to recollect that "it is the production of a man who has not had the advantage of much school education, but who has been constantly at sea from his youth ; and though, with the assistance of a few good friends, he has passed through all the stations belonging to a seaman, from an apprentice boy in the coal trade to a Post-Captain in the Royal Navy, he has had no opportunity of cultivating letters."

1788-92 correct to say that Phillip "raised himself by his merit and his services to distinction and command," he cannot be well classed with Drake, Dampier, or Cook, seeing that he never had the opportunities for acquiring such distinction as fell to their lot. They were men who achieved renown by exploits which have made their names historical, but Phillip's performances were of a much less ambitious type. Yet, placed in the position in which he found himself, it is difficult to see how he could have done more than he did. He accomplished his task successfully, so far as success was attainable with the limited means at his command. Although he was not embarrassed with the bitter local questions which so often disturbed his successors' peace of mind, he had problems to solve which tried his temper and taxed his resources; and the fact that he succeeded in solving them one after another must be placed to his credit in estimating his character as a ruler. "The policy of the Government," in his day, consisted mainly in finding something to eat. At the distance of a hundred years, it is not easy to realise the situation in which he was so often placed when, by the non-arrival of expected supplies from England, the little settlement at Sydney Cove was absolutely in danger of starvation. Infant colonies had been left to perish from want of food in other parts of the world,* and on more than one occasion it seemed probable enough that Phillip's efforts to found a colony would have met with the same fate. Had he been improvident or neglectful in his administration, disastrous consequences might have happened; but by the prudent handling of his resources from day to day, he contrived to avert each impending calamity, and the colony prospered.

The sea-kings.

The main question of his time.

An unjust charge.

There is some satisfaction in relieving his memory from a charge which has been unjustly laid to it. He has been held responsible for the extreme severity with which criminal offences of all kinds were punished during his term of

* Post, p. 514.

office, as if it rested with him to prescribe the sentence in every case as well as to sanction its execution. It has been freely insinuated, too, that he must be held responsible for the severity which continued to mark the administration of the criminal law in this colony long after he had disappeared from the scene; as if his successors had merely continued a system which he had established. One writer says of him:—"His punishments were not frequent, but prompt and terrible."* The punishments inflicted on criminals during his time were certainly prompt and terrible, but they were not his; they were inflicted by the Criminal Court, composed of six officers and the Judge-Advocate. That Court was practically a Court-martial; and although it was supposed to administer justice "according to the laws of England," it did so after a strictly military fashion. When we read, for instance, that "Joseph Hunt, a soldier in the detachment, having been found absent from his post when stationed as a centinel, was tried by a Court-martial and sentenced to receive seven hundred lashes,"† we have a key to the whole system which prevailed in Phillip's time. But personally he had nothing more to do with it, so far as the infliction of punishment was concerned, than the Governor of the present day has to do with the sentences passed on prisoners in the Criminal Courts. The frequent occurrence of such "prompt and terrible punishments" in the first years of the settlement has naturally, perhaps, created an impression that they were the work of a cruel temper inflamed by the consciousness of arbitrary

Phillip's
punish-
ments.

The Crimi-
nal Court.

The
Governor's
functions
not judicial.

* Bennett, *History of Australian Discovery and Colonisation*, 1865, p. 169. The punishments inflicted by Phillip for disobedience of his General Orders were prompt, but not terrible. When, for instance, a party of convicts set out with the intention of avenging the death of a comrade, who had been killed by the natives, Phillip sentenced them to receive one hundred and fifty lashes each, and to wear a fetter for a twelve-month. Judged by the standard of that day, the punishment was a mild one; for there could not well have been a more aggravated case of insubordination. As Collins expressed it (p. 58), the men in question had "daringly and flagrantly broken through every order which had been given to prevent their interfering with the natives,"—a matter of the highest importance in Phillip's eyes.

† Collins, p. 56.

1788-92 power. So far, however, from that being the case, there is no difficulty in showing that Phillip's disposition was not by any means a cruel one.* Many instances might be given of his leniency. When, for instance, he was attacked and wounded by a native with a spear he made no attempt to retaliate; but as soon as he had recovered from the wound, he visited the natives in order to show them that "no animosity was retained on account of the late accident, nor resentment harboured against any but the actual perpetrator of the act."† His power to pardon, reprieve, and remit sentences was freely exercised. Of six convicts sentenced to death at the second sitting of the Criminal Court one was pardoned and four reprieved, the latter being "afterwards exiled to a small island within the bay, where they were kept on bread and water." A King's birthday was always accompanied with a release of prisoners.‡

No ground
for imputing
cruelty.

Not an
advocate of
hanging.

His own opinion was that hanging is not the most effective punishment, simply because it does not deter men of criminal tendencies from committing crime. In the "memo." in which he jotted down his ideas about the government of the projected colony, he anticipated the question of capital punishment as applied to the convicts, expressing himself

* In Phillip's Voyage, p. 68, he is described as "intelligent, active, persevering, with firmness to make his authority respected, and mildness to render it pleasing." That was the opinion expressed of him in England; and a similar estimate seems to have been formed of his character by his critics in the colony. Collins, for instance (p. 72), speaking of the capture of Cæsar—a notorious offender who had incurred the penalty of death—says that "the Governor, with the humanity that was always conspicuous in his exercise of the authority vested in him, directed that he should be sent to Garden Island, there to work in fetters; and in addition to his ration of provisions, he was to be supplied with vegetables from the garden." And West, in his History of Tasmania, vol. ii, p. 144, states that "the solicitude of Phillip (for the welfare of his people) was displayed in every form of kindness."

† Collins, p. 136.

‡ On the first celebration of the royal birthday at Sydney Cove, "the three convicts who had been sent to the rock, in the hope that lenity to them might operate also upon others, were on the occasion of his Majesty's birthday liberated from their chains and confinement, and his Excellency forgave the offences of which they had been respectively guilty."—Collins, p. 33. Another birthday was marked in the same manner. "And to make it a cheerful day to every one, all offenders who had, for stealing Indian corn, been ordered to wear iron collars, were pardoned."—p. 165.

strongly against it: "Death, I think, will never be necessary." There were only two crimes which would merit death, in his opinion; and for either of them he would substitute exile to some "cruel island in the far-off sea," as a far more potent deterrent than the hangman's rope. Whether he was altogether serious in his proposal to confine the criminal in such cases "till an opportunity offered of delivering him as a prisoner to the natives of New Zealand and let them eat him," may be doubted; at any rate he did not ask for legislative powers to that effect.* Perhaps it was intended as a jocular suggestion from the quarter-deck, as the best-known method of instilling fear into the minds of hardened offenders. Among sailors of the old school, no punishment was more dreaded than that of being left ashore in an unknown country, with the prospect of being either eaten by savages or condemned to lead a savage life among them.† Had the matter rested entirely in Phillip's discretion, he would have substituted exile for death in extreme cases, not for the purpose of condemning the criminal to be devoured by cannibals, but in order that he might endure the prolonged suffering inseparable from isolation, and at the same time do some service to the State by forming connections among the natives, with the view of reconciling them to the presence of Europeans in their country. The five men whom he reprieved in the first month of his administration he had determined to exile to that part of the territory then known as the South Cape,‡

1788-92

Exile a more effective check.

A sailor's theory of punishment.

Diplomatic relations.

* He asked for power to exile simply, but it was not given. The only sentences provided for by the Act and Letters Patent constituting the Criminal Court were death and corporal punishment; post, pp. 455, 535.

† This practice was known as marooning, and was a common one among the buccaneers. Dampier relates that "while we lay here"—off the north-west coast of New Holland—"I did endeavour to persuade our men to go to some English factory; but was threatened to be turned ashore and left here for it. This made me desist."—Vol. i, p. 469.

‡ Phillip's despatch, post, p. 274. According to White, Journal, p. 128, three men were convicted on the 27th February, 1788, of "feloniously and fraudulently taking away from the public store beef and pease, the property of the Crown"; but one only was executed. They were all, "about 6 o'clock the same evening, taken to the fatal tree," but two "were respited until 6 o'clock the next evening. When that awful hour arrived, they were

1788-92 but that intention was never carried out, probably because, having no means of sending them there, he sent them to Norfolk Island instead ; or perhaps to the "small rocky island near the entrance of the cove," officially called Rock Island, but known among the convicts as Pinchgut—from the bread and water which formed their rations when sent there. Speaking in his memo. of the relations which might arise between the convicts and the native women, he said :—

Short commons.

I should think it necessary to punish with severity the man who used the women ill ; and I know of no punishment likely to answer the purpose of deterring others so well as exiling them to a distant spot, or to an island.

Exile.

Flogging in the army and navy.

That was clearly his idea of a really effective punishment. But it was no part of his functions as a Governor to prescribe pains and penalties for offences within the jurisdiction of the Criminal Court. That was a matter in which he could not interfere, otherwise than by exercising the prerogative of mercy. Nor is there much reason to believe that Phillip had any more faith in the lash as a means of correction than he had in the gallows. His experience in the navy must have made him only too familiar with the custom of flogging, seamen in his days being ruthlessly flogged for petty breaches of naval discipline. The same practice prevailed in the army. Under any circumstances it was, perhaps, inevitable that a Court composed of military and naval men should use the lash as a convenient means of punishment. Any other form of correction for minor offences was hardly known to men of that time. There was no gaol or place of detention for prisoners in the colony ;

led to the place of execution, and just as they were on the point of ascending the ladder, the Judge-Advocate arrived with the Governor's pardon, on condition of their being banished to some uninhabited place." On the 29th, two men were convicted of stealing wine, and sentenced to death ; but one being "an ignorant black youth" was pardoned by the Governor, and the other, another black, "had his sentence of death, while at the gallows, changed to banishment." At a later period Norfolk Island was utilised for this purpose. A soldier condemned to death in September, 1789, for a rape on a child of eight years of age, having been recommended to mercy, was pardoned "on condition of his residing, during the term of his natural life, at Norfolk Island."—Collins, p. 80.

imprisonment, moreover, meant loss of labour ; and even if the letter of the law had left the members of the Court to the exercise of their own discretion in the choice of penalties the lash would necessarily, under such circumstances, have taken the place of imprisonment.* 1788-92

Nor the least noticeable feature in Phillip's character is the spirit of self-denial manifested by him throughout the trying times in which he ruled. Most, if not all, of those around him were loud in their complaints against the country ; but he appears to have been so confident in its future that the privations he had to undergo made little impression on him. Chief in the ranks of the discontented stood Major Ross, commanding officer of the marines and Lieutenant-Governor of the colony. It was apparently his ambition from the first to find every possible occasion for embarrassing Phillip in the discharge of his duties. Perhaps the Major's outbreaks may be accounted for in some measure by his personal grievances, which were set out at length in a letter to Nepean, written from Sydney Cove in July, 1788.† It presents a curious contrast, in tone and temper, with the letters written by Phillip ; for while the Major's abounds in petty complaints, the Governor's are absolutely silent with respect to everything in the shape of personal inconvenience. Yet it is certain that he had to bear his full share of the cruel privations which were endured by every one in the settlement at that time ; and whether he bore them patiently or not, there is nothing to show that he ever uttered a murmur on his own account. Whatever complaint he had to make was

Patient
endurance
and self-
denial.

A contrast.

* "On the 26th May, 1788, a soldier and a sailor were tried by the Criminal Court of Judicature for assaulting and dangerously wounding James McNeal, a seaman. These people belonged to the *Sirius*, and were employed on the island where the ship's company had their garden"—hence called Garden Island—"the seamen in cultivating the ground and the soldier in protecting them, for which purpose he had his firelock with him. They all lived together in a hut that was built for them, and on the evening preceding the assault had received their week's allowance of spirits, with which they intoxicated themselves and quarrelled. They were found guilty of the assault, and as pecuniary damages were out of the question, were each sentenced to receive five hundred lashes."—Collins, p. 30.

† Post, p. 499.

1788-92 directed to the remedy of some public grievance—certainly not to any grievance of his own. If he was silent on the subject of his own troubles, he was equally reserved with respect to the sacrifices he felt called upon to make in the public interest. Had it not been recorded by Collins, nothing would have been known in the present day of the self-denial he displayed when, at a time of scarcity fast approaching to famine, he surrendered his own small supplies to the public stock :—

The last
crust.

The Governor, from a motive that did him immortal honour, gave up three hundred-weight of flour, which was his excellency's private property, declaring that he wished not to see anything more at his table than the ration which was received in common from the public store, without any distinction of persons ; and to this resolution he rigidly adhered, wishing that if a convict complained, he might see that want was not unfelt even at Government House.*

The Major's
complaint.

While this was the spirit in which Phillip met the privations he had to encounter, the Lieutenant-Governor found time to write a letter of complaint to England, in which the Governor was represented as offensively arbitrary and inconsiderate, subjecting the officers of the garrison to unnecessary hardships and indignities, apparently for no other purpose than that of swelling his own importance at their expense :—

Soldiers on
the parish.

I believe there never was a set of people so much upon the parrish as this garrison is ; and what little we want, even to a single nail, we must not send to the Commissary for it, but must apply to his excellency ; and when we do, he allways sayes—"there is but little come out,"—and of course it is but little we get, and what we are obliged to take as a mark of favor.

Grumbling
letters.

There were other officers attached to the establishment who had complaints to make on their own account. One of them, for instance, wrote a letter to Sir Joseph Banks in November, 1788, in which he complained of the hardship he had undergone in having to cut thatch and wattles for his

* Collins, p. 108.

own hut, and concluded by assuring his friend that although 1788-92
 he might have "a flattering public account" he need not
 rely upon it; adding that "every gentleman here, two or
 three excepted, concurs with me in opinion, and sincerely
 wish that the expedition may be recalled." Surgeon White, Discon-
tent-
ed
colonists.
 whose Journal is scrupulously free from any remarks cal-
 culated to prejudice the colony in the eyes of the British
 public, described it in a subsequent letter to Sir Joseph
 Banks as "a country and place so forbidden and so hate-
 ful as only to merit execration and curses."* He was not
 the only one who held that opinion; Major Ross, in a letter
 to Nepean, said he did not "scruple to pronounce that in
 the whole world there is not a worse country than what we
 have yet seen of this."*

Phillip seems to have stood almost alone in his disregard
 of present privations and his confidence in the future of the
 country. The grievances which appeared so unendurable Looking to
the future.
 to the men who surrounded him, he spoke of as "the little
 difficultys we have met with, which time and proper people
 for cultivating the land will remove." The spirit in which
 he had settled down to his work may be judged from the
 assurance he gave Lord Sydney while in the midst of his
 troubles:—

Anxious to render a very essential service to my country by
 the establishment of a colony which, from its situation, must
 hereafter be a valuable acquisition to Great Britain, no perse-
 verance will be wanting on my part, and which consideration
 alone would make amends for the being surrounded by the most Compensa-
tion for
personal
sacrifices.
 infamous of mankind. Time will remove all difficulties. As to
 myself, I am satisfied to remain as long as my services are
 wanted; I am serving my country, and serving the cause of
 humanity.

* Post, p. 507; p. 500.

PHILLIP AND THE MILITARY.

1788-92 Not only had Phillip put on record his aversion to extreme measures in dealing with offenders, but he also indicated the course of action which he proposed to adopt for the purpose of ensuring order and good conduct among the people under his charge. In his despatches of the 9th July and 30th October, 1788, he speaks in feeling terms of "the little plan I had formed in the passage for the government of these people," which he had been obliged to give up on account of the stubborn disinclination of Major Ross to "interfere with the convicts"—as he put it. The little plan which had suggested itself to Phillip's mind as a better means for maintaining order than the frequent use of the lash, or even the gallows, was simply that the officers should use their personal influence among the men for the purpose of encouraging them in well-doing, whenever an opportunity might offer. The request he made of them soon after landing was as follows:—"That officers would, when they saw the convicts diligent, say a few words of encouragement to them; and that when they saw them idle, or met them straggling in the woods, they would threaten them with punishment." There was not much in this, as Phillip said, that "would degrade either the officer or the gentleman"; but the officers, acting under the Major's inspiration, did not look at it in that light. They were not concerned in promoting order and good conduct among the convicts. They were sent out on garrison duty; their official instructions were comprised in "a letter sent from the Admiralty to the Com-

The little
plan.

Moral
influence of
the military.

manding Officers of Marines at Portsmouth and Plymouth"; 1788-92 they would govern themselves by that letter, and not by any requests they might receive from Governor Phillip. On these grounds they absolutely declined to "interfere with the convicts" in any way, even to the extent of giving an occasional word of encouragement to the diligent, or a caution to the idle; although, at the same time, they claimed a right to convict labour in the cultivation of their gardens. So punctilious were they with respect to the strict lines of their military duty, as they conceived it, that they thought "the being obliged to sit as members of the Criminal Court an hardship," because they were not paid for it. "They did not suppose that they were sent out to do more than garrison duty"; and they thought themselves "hardly dealt by in that Government had not determined what lands were to be given them." These demands were no doubt designed to bring pressure to bear upon Phillip, in order that he might obtain from the Home Government the concessions to which they considered themselves entitled. They thought they ought to have their grants of land immediately, as well as convict labour for its cultivation; and also that they ought to be paid for their services in the Criminal Court. Because he did not adopt their views on these points, they had no hesitation in giving him plainly to understand that they "declined the least interference with the convicts, unless when they are immediately employed for their own convenience, or when they are called out at the head of their men."

The officers decline to interfere.

Their view of the case.

Phillip thus found himself, soon after his arrival in the colony, in a position which every day threatened to bring him into collision with the head of the military force; and the attitude assumed by Major Ross was such as to leave very little hope of satisfactory relations being ever established between them. This was the beginning of the dissension between the civil and the military authorities which continued through succeeding administrations, and finally culminated in the deposition of Governor Bligh. It owed

Conflicts between the civil and military.

1788-92 its origin to the absence of any instructions from the Home Government with respect to the exact position of the military force in relation to the Governor. The necessity for some such definition of duty did not present itself to the Government when the expedition was being organised ; nor did it occur to Phillip, since there is no reference to it in his letters. Probably both he and Lord Sydney took it for granted that the Act of Parliament passed in 1787 rendered any special instructions from the Admiralty unnecessary. But they might have known that nothing, according to historical precedents, was more likely to happen under such circumstances than dissension between the two powers. The antagonism which grew up between Governor Phillip and Major Ross was but a reproduction, on a very small scale, of the violent struggles between the civil and military authorities which formed the prelude to many of the great revolutions recorded in history. That the difference between himself and the Major was not carried to violent extremes must be attributed to Phillip's tact, good temper, and self-control. He had provocation enough, had he been irritable and vindictive, to justify him in any steps he might have thought fit to take for the purpose of asserting his authority as Captain-General and Governor-in-Chief. But he wisely refrained from taking any steps of the kind, contenting himself with proper representations of the matter to the Secretary of State.

Relative
positions
undefined.

Historical
conflicts.

Self-
restraint.

The officers
object to
form a
Court.

Major Ross was evidently disposed to act an aggressive part at every opportunity. Not satisfied with thwarting Phillip's good intentions with respect to the management of the convicts, he endeavoured to place still more serious obstructions in his path. He incited his officers to raise technical objections as to the Governor's power to summon them to attend the sittings of the Criminal Court. One* of

* Captain James Campbell, an especial friend of the Major's. In a letter to Evan Nepean, written shortly before his leaving England, Ross implored the Under Secretary to obtain some appointment for his friend, suggesting that he might be made Judge of the Vice-Admiralty Court instead of him-

them having declined to sit, Phillip appointed a Court of Inquiry to investigate the matter ; but the only conclusion the Court could come to was, that they did not think themselves "competent to give an opinion on a private dispute, which appeared to them to involve in itself a point of law." He then proceeded to convene the Court in the usual way, but was again met by further objections from Major Ross. How the matter ended will be seen from Phillip's statement in his despatch :—

1790

Court of
Inquiry
declines
to act.

I had sent for several of the officers before the Court met, in order to point out the consequences which would follow their refusal of so essential a part of their duty ; and the officers I saw on that occasion assured me that they had never doubted its being a part of their duty after they heard the Act of Parliament and the Commission read which established that Court ; but Major Ross, on the 6th May, telling me that he was still of opinion that many of his officers did not think the sitting as members of the Criminal Court any part of their duty, I desired that he would assemble the officers, that their separate opinions might be taken on that head.

A consulta-
tion among
the officers.

The result was that all the officers who were assembled, to the number of thirteen, gave it as their opinion that they were bound to sit. Ross then turned upon Phillip and charged him with being "oppressive" in his conduct, as if he had taken advantage of the officers' good nature to convert into a duty what they had merely volunteered to do as a matter of courtesy. But as Phillip did not continue the discussion, it came to nothing, and Major Ross was left to mature some other project for the purpose of embarrassing the Governor. He was not long in doing so. In one of

The result.

nil.

self (Ross) : "If the above cannot possibly be done for him, do, for God's sake, endeavour at something else for him. An addition to his present income is not, I am convinced, his principal object ; what I myself wish for him, and what I am sure his own only wish is, some kind of appointment that would give him some little consequence in himself as well as in the eyes of his brother officers going with him, all of whom, with respect to length of service, are but as of yesterday. You, my dear sir, have no idea how much I am interested in this affair, nor how very severely I shall feel myself mortified if something or other cannot be done for him before we quit this country."

1790 Phillip's despatches written in February, 1790, he informed Lord Sydney of another complication in which he had found himself involved with the Major. In order to prevent the nightly plundering of the gardens which supplied the settlement with vegetables—at that time a matter of great importance, owing to the small stock of provisions remaining in the public store—the Governor had made an order directing the night-watch, then composed of convicts, to detain any soldier or seaman who might be found straggling or in the convicts' huts "after the tap-too has beat," and to give information at the nearest guard-house. A soldier having been detained under this regulation, Major Ross immediately interfered.

Another complication.

The night-watch.

Threatened with the bayonet.

He sent the next morning to tell the Judge-Advocate that he considered a soldier's being stopped when not committing any unlawful act as an insult offered to the corps, and that they would not suffer themselves to be treated in that manner, or be controlled by the convicts, while they had bayonets in their hands.

When this intimation was reported to Phillip by the Judge-Advocate, the allusion to the bayonets was cautiously omitted, Collins probably thinking that it might be a little too much for his temper. The order was thereupon modified, and by a new one the night-watch was directed—"not, in future, to stop any soldier unless he is found in a riot, or committing an unlawful act, in which case such soldier is immediately to be taken to the nearest guard."

Order modified.

Major Ross sought to justify his interference in this matter on the ground that the order objected to had "put the soldiers under the command of the convicts"; although he knew that soldiers were in the habit of robbing the gardens, and could not be checked by any other means. The withdrawal of the order amounted to saying that they might continue to rob the gardens as much as they pleased, since the night-watch would not be likely to interfere with them after that. Phillip, as he expressed it, found himself "driven to the necessity of withdrawing an order calculated for the public service"; he had either to withdraw the order

Order withdrawn.

or defy the Major of marines. He was no doubt considerably galled when he was afterwards told about the "bayonets"; and he felt it due to himself to explain his position when writing his account of it to Sydney. He did so by adding the following paragraph in a parenthesis :—

Here I beg leave to observe to your lordship that the last sentence, respecting the bayonets, was never mentioned to me till this business was settled. I should not have been induced to withdraw the order which directed the night-watch to stop a soldier by so pointed a menace, for I should not have thought it could tend to the good of his Majesty's service.

1790
Would not
yield to
threats.

But the Major now felt that he was even with Phillip. If he had been obliged to give way on the Criminal Court question, he had compelled the Governor to withdraw his obnoxious order. This was the spirit in which the Lieutenant-Governor played fast and loose with the public service. It was nothing to him whether or not the soldiers under his command stole other people's vegetables, in a time of famine, every night; the *corps* was not to be insulted by placing them under the control of the police. Nor did it matter much in his eyes whether or not the Criminal Court was prevented from sitting, and offenders were allowed to go free; it was an "oppressive duty" for an officer of marines to take part in the administration of justice, unless he was paid for it.

The Major's
policy.

It was a very fortunate thing that the Major was not always successful in checkmating the Governor. Had he succeeded on the Criminal Court question, for instance, the administration of law would have been brought to a dead stop, the Governor's authority would have been set at defiance, and the convicts would have been left to do as they pleased. The Major's tendency to carry things to extremes was displayed but too clearly in this instance. Apart from all sense of public duty, the terms of the Act were so clear that no room for a reasonable doubt could have been left in the mind of any officer who read it. Captain Tench

Civil
government
in jeopardy.

1788 and twelve other officers admitted that they always thought it their duty, from the moment that they heard the Act of Parliament read, to sit as members of the Court. Nor is it likely that any officer would have formed a different opinion, had he not been encouraged to do so by the Commandant—who slyly told them that if they objected to sit, he knew of “no Article of War to compel them.” There was no Article of War on the subject; nor were there any instructions from the Admiralty, as there should have been; but there was the Act of Parliament, which, in definite language and with unmistakable intention, pointed out the duty it imposed on every officer of his Majesty’s forces by sea and land within the colony.

Encouraging insubordination.

The Act not open to doubt.

A forgotten promise.

Whether or not Major Ross entertained any doubt in his own mind as to the duty imposed on the officers of the detachment by the Act of Parliament, it is clear that in acting as he did on this and other occasions he had quite forgotten the promise voluntarily made by him in a letter to Nepean, written from Portsmouth a few days before he sailed on the expedition :—

Marines emerging from obscurity.

I have now only to add that this is the first instance in which the corps of marines has been employed in any way out of the usual line of duty, and as I firmly believe that any part of it being so employed is entirely owing to your friendly wish of drawing the corps forth from that subordinate obscurity in which it has hitherto moved,—impressed with this belief, permit me to offer you my own as well as the sincerest thanks of the officers of the detachment under my command for the generous opinion you have shown in favour of the corps, and to assure you that every nerve shall be strain’d in the faithful and diligent discharge of our duty; and I entertain not a doubt but that the conduct of the whole will be such as will not only do credit to your recommendation, but give satisfaction to Administration. These much-wished for objects obtained, I shall then ardently hope that what you once hinted to me might be the consequence will with your assistance take place, and that we shall no more return to our original obscurity, but become an active corps of your own creation.

An active corps.

Major Ross's eccentric conduct in these instances seems to have been the result of a peculiar temper rather than a studied display of insubordination. If he could not avoid coming into collision with the Governor, he was on no better terms with the Judge-Advocate or his own officers. On one occasion he made a formal complaint against Captain Collins, who, wrote Phillip, "in his turn, represented his having been treated in such a manner by the Lieutenant-Governor and Captain Campbell, before convicts and others, that he wished to resign his office."* The Major not only quarrelled with the adjutant and quartermaster, but placed a captain and four subalterns under arrest for no other reason than that they, as members of a Court-martial assembled to try a soldier for assault, had passed a sentence of such a nature as, in his opinion, tended greatly to the subversion of all military discipline. The idea of punishing the members of a Court-martial because their sentence did not meet with his approval is characteristic of the man. They were no more liable to punishment for such a cause than judges or magistrates would have been under similar circumstances. If any notice required to be taken of their action at all, the proper remedy lay in an appeal to a General Court-martial, in order to have the sentence revised. But the Major evidently wanted something more than revision; he wished to bring his officers to trial in order to have them punished. In that matter he was disappointed, owing to a little difficulty which unexpectedly presented itself at the last moment. It was assumed that a General Court-martial required thirteen members to compose it, and as there were only nineteen officers in the detachment, of whom five were then under arrest, and one was ill, it was not possible to get a General Court-martial together.† The result was that nothing could be

1788
Quarrel with
the Judge-
Advocate.

Members of
a Court-
martial
placed under
arrest.

General
Court-
martial
applied for.

* Collins makes no allusion to these matters in his book, although he mentions the difficulty connected with the holding of a General Court-martial; p. 44.

† Post, p. 294. This difficulty was afterwards obviated by sec. 20 of the Mutiny Act, 1805, which provided that any General Court-martial holden in

1788 done; the Major had to forego his revenge, and Phillip ordered the five officers to return to duty, until a sufficient number of officers to form a General Court-martial could be assembled.

A fourth disturbance.

This disturbance was no sooner disposed of than it seems to have been followed by another, which gave rise to more technical discussions on points of military law between the Governor and the marines. Phillip apologised to Lord Sydney for troubling him with the details of it in a despatch, but excused himself on the ground that "the very unpleasant situation of the detachment doing duty in this country, from the discontents between the Commandant and the officers," rendered it necessary to do so—especially as it was not in his power "to restore that harmony which is so very requisite in our situation." He had received a letter from Major Ross requesting him to assemble a General Court-martial for the purpose of hearing a charge which the Major had made against one of his officers "for neglect of duty, contempt, and disrespect to him." The Governor issued his warrant accordingly, but when the thirteen officers were assembled, a question was raised as to the legality of the proceedings. The warrant was issued under the authority of his Majesty's Commission for assembling General Courts-martial; but the marines "declared that they could not sit under that warrant, being amenable only to the authority of the Commissioners for executing the office of Lord High Admiral of Great Britain."* Phillip

An officer charged with insubordination.

A nice point.

New South Wales might consist of any number of commissioned officers not less than five. But, before this Act, it was provided in previous Mutiny Acts that a General Court-martial might consist either of thirteen or nine commissioned officers, as the case might require, "unless the same shall be holden in any place beyond the seas, in which case the Court might consist of any number not less than seven."—Tytler, *Military Law*, p. 134.

* The facts are stated by Collins, p. 44. The officers do not seem to have had any doubt as to their power to decide a purely legal question of jurisdiction. "A General Court-martial assembled by special warrant for the trial of a particular person named in that warrant must discharge their duty by taking cognisance of the crime and pronouncing sentence, either of condemnation or of acquittal from the matter of charge. It has been doubted whether it is competent for a Court so constituted to exercise any judgment

endeavoured to get over the difficulty by appointing a Court of Inquiry to "inquire into the particulars of the charge, and to report whether there was or was not sufficient ground for a General Court-martial"; intending, if the report should require any further proceeding, to have the charge fully examined and reported on by another Court of Inquiry. But the officers to whom the question was referred had no sooner met than technical objections again made their appearance; and it was finally resolved that, although the members of the Court might have proceeded to hear the case before the application for a Court-martial had been made, they were precluded from doing so by the issue of the Governor's warrant.*

1788

More technicalities.

The question shelved.

In this dilemma Phillip directed the Judge-Advocate to take the evidence on both sides, intending to send the depositions to England with the officer under arrest. Before that could be done, however, Major Ross came to the rescue with a letter in which he informed Phillip that "the officer had fully satisfied him respecting the charge," and desired that he might be "permitted to withdraw his request for a Court-martial." The officer was thereupon ordered to return

The last resort.

Prosecution withdrawn.

as to the legality of the trial, or the amenability of the prisoner to their jurisdiction. The Naval Court-martial appointed to try Captain Norris, in 1744, for misbehaviour and cowardice in the sea-fight off Toulon, thought proper to avoid giving any sentence, either of condemnation or acquittal, by determining that they had no right to take trial of the charge, as the accused person had previously given up his commission, and was not in his Majesty's pay; although Captain Norris himself had desired a Court-martial, which had accordingly been granted to him. The proceedings of the Court were called for in the House of Commons and referred to a committee, on whose report a motion was made and passed, that those proceedings were arbitrary and illegal. Yet there would seem to be little doubt that, if the objection to the legality of the trial is self-evident and insurmountable, the Court may suspend procedure till the objection is canvassed by the proper authority; as, for example, if the prisoner is not subject to Military Law, or if the crime should be a civil offence, as murder, highway robbery, rape, &c., falling under the cognisance of the ordinary municipal Courts.—Tytler, p. 142. In this case the objection was not self-evident and insurmountable, and therefore the Court might well have proceeded to hear the case, and then referred their difficulty to the Governor, instead of deciding it themselves without reference to him or to any one else.

* This appears to have been a new point in the practice of military law. The officers having previously decided that the Governor's warrant was valueless, and consequently that no Court-martial could be held under it,

1788 to his duty, and there the matter ended. It may well be supposed, however, that it did not end so far as the principal figures in the little drama were concerned. Phillip was not at all inclined to submit quietly either to personal affronts, or to official acts evidently intended to make him feel that the Governor-in-Chief was dependent on the military for assistance in carrying on the government. Feeling that the safety of the settlement was at stake in every stage of the conflict, he refrained from taking any step which might have borne the appearance of retaliation, and allowed Major Ross to pursue his own course until the proper time arrived for checking it. When it came, Phillip disposed of him not only without any display of temper or resentment, but, on the contrary, with every appearance of confidence in his discretion—by sending him to Norfolk Island with a commission as Lieutenant-Governor.

Self-restraint.

Diplomacy.

nothing could be gained by holding a Court of Inquiry, seeing that such a proceeding is of value only as a preliminary to a trial by Court-martial. It answers the same purpose as an investigation before a Grand Jury or a magistrate in the ordinary Courts; the province of the Court of Inquiry being to "determine, on such evidence as can be brought before them, whether there is or is not sufficient cause for bringing particular persons to trial for the offence or crime before a General Court-martial."—Tytler, 341.

PHILLIP AND THE NATIVES.

THE temper in which Phillip was disposed to rule the little community placed under his charge may be seen in the line of conduct he adopted towards the native race. The lively interest he took in it forms one of the most conspicuous features of his despatches. It was not merely because he had been instructed "by every possible means to open an intercourse with the natives and to conciliate their affections," that he took every opportunity for doing so. He evidently felt a personal pleasure in the task. It was the first time in his life in which he had found himself in contact with "the Indians"; and the study of their character, customs, and language was full of interest for him. For that, quite as much as for any official reason, he entered in his journal every little incident that occurred in the course of his communications with them. The Home Secretary, let us hope, fully appreciated the very elaborate information in his despatches with respect to the aboriginals; smiling, perhaps, to find him so much absorbed in his inquiries as to their peculiar customs—as, for instance, that of cutting off the two first joints of the little finger on the left hand of their women. But matters of this kind, trivial as they may seem nowadays, serve to show that he was at least sincere in professing anxiety to promote their welfare by every means in his power.

1788

An interesting study.

Customs of the natives.

The natives have ever been treated with the greatest humanity and attention, and every precaution that was possible has been taken to prevent their receiving any insults; and when I shall have

His policy¹

1788 time to mix more with them, every means shall be used to reconcile them to live amongst us, and to teach them the advantages they will reap from cultivating the land.

Although he never succeeded in teaching them to cultivate the land, he contrived to reconcile some of them at least to living amongst the white men. This result was owing largely, if not entirely, to his own example. Finding it impossible to cultivate friendly relations with them in the absence of an interpreter, he determined to secure one of them for the purpose of training him; and accordingly a young man named Arabanoo was captured in December, 1788. The experiment promised to be successful, the native having taken kindly to the ways of the white men. Phillip's method of teaching him may be gathered from the little sketch which Captain Hunter gives of his tea-table in the following month of May :—

As soon as the ship was secured, I went on shore to wait on the Governor, whom I found in good health; he was sitting by the fire, drinking tea with a few friends, among whom I observed a native man of this country, who was decently clothed, and seemed to be as much at his ease at the tea-table as any person there; he managed his cup and saucer as well as though he had been long accustomed to such entertainment.*

The poor fellow did not live long enough to realise the hopes that were entertained of him :—

Five or six days after my arrival poor Arabanoo was seized with the small-pox, and although every possible means for his recovery were used, he lived only to the crisis of the disease. Every person in the settlement was much concerned for the loss of this man.

* Journal, p. 132. Tench gives us a similar picture of the Governor's dinner-party on New Year's Day, 1789 :—"To-day, being New Year's Day, most of the officers were invited to the Governor's table. Manly [Arabanoo was so named by Phillip because he was captured at Manly Cove, his native name not being then known], dined heartily on fish and roasted pork; he was seated on a chest near a window, out of which, when he had done eating, he would have thrown his plate, had he not been prevented. During dinner-time, a band of music played in an adjoining apartment; and after the cloth was removed, one of the company sang in a very soft and superior style; but the powers of melody were lost on Manly, which disappointed our expectations, as he had before shown pleasure and readiness

The loss must have been keenly felt by Phillip, whose hopes of friendly communication with the natives were then, for the time at least, extinguished. But his first experiment having been so far a success, he determined to make another; and in November of the same year two natives were seized and brought up to the settlement. Their names were Coalby and Bennilong; but both of them made their escape before they had been many weeks in captivity, and rejoined their friends in the bush. They were afterwards induced to pay friendly visits to the settlement:—

Coalby and
Bennilong.

As the Governor and every other person in the settlement had ever been kind to them, they were inclined to depend on the Governor's promise, and did come to Sydney; were kindly received, went from house to house, and saw all their old acquaintances; they received many little presents, and returned to their friends when they thought proper. This confidential visit from two men, who appeared to have some influence among their countrymen, soon brought about a more general intercourse, and the next visit from those men brought the same favour from their wives and families, whose example was followed by many others; so that every gentleman's house was now become a resting or sleeping place for some every night; whenever they were pressed for hunger, they had immediately recourse to our quarters.*

Friendly
visits.

Open
houses.

It was by these means that Phillip endeavoured to establish a good understanding with the natives, and as far as it was possible for him to succeed in such a matter, he may be said to have succeeded. But it was not possible for him to make everyone else follow his example, or even obey his

in imitating our tunes."—Complete Account of the Settlement at Port Jackson, p. 13. Their musical capacity was noticed by Tench while the ships were at Botany Bay:—"The Indians, though terrified at the report (of the gun), did not run away; but their astonishment exceeded their alarm, on looking at the shield which the ball had perforated. As this produced a little shyness, the officer, to dissipate their fears and remove their jealousy, whistled the air of *Malbrooke*, which they appeared highly charmed with, and imitated him with equal pleasure and readiness. I cannot help remarking here, what I was afterwards told by Monsieur De Péronse, that the natives of California, and throughout all the islands of the Pacific Ocean, and in short wherever he had been, seemed equally touched and delighted with this little plaintive air."—Narrative, p. 58.

* Hunter, p. 205.

1788

War of
races.

orders* ; the savages, friendly at first, were provoked from time to time by the convicts, and of course retaliated ; every act of retaliation increased the ill-feeling on both sides, and at last led the way, in after times, to open violence and bloodshed.†

King and the
natives.

So far as his own efforts were concerned, Phillip appears to have been peculiarly fortunate in his intercourse with the natives, seldom failing to make friends of them at once whenever he met them. A passage in Lieutenant King's Journal,‡ in which he relates his adventure with the natives at Botany Bay on the day the *Sirius* arrived there, furnishes an illustration on this point. King and his party had met several of them and endeavoured to gain them over :—

I advanced before them, unarmed, presenting some beads and ribbands ; two of the natives advanced armed, but would not come close to me ; I then dropped the beads and baize which I held out for them, and retreated ; they took it up and bound the baize about their heads. They then in a very vociferous manner desired us to begone ; and one of them threw a lance wide of us, to show how far they could do execution.

Compelled
to retreat.

King, who was accompanied by Lieutenant Dawes and three marines, thought it judicious to beat a retreat, and accordingly did so, the natives following them up ; but— they were ten times more vociferous, and very soon after a lance was thrown amongst us, on which I ordered one of the marines to fire with powder only, when they ran off with great precipitation. I embarked, and Governor Phillip joined me from the south side of the bay, where he had found the natives very sociable and

* The difficulty experienced by Phillip in enforcing obedience to his reiterated orders on this subject may be seen in the fact, previously noted, (p. 101 n) that, in March, 1789, a party of convicts actually set out in pursuit of the natives for the purpose of avenging the death of a man they had killed.

† “At Swan River, the natives are extremely inimical to the Europeans. They have murdered several persons, besides destroying a great number of sheep. When I was there, soon after the formation of the settlement, we found them friendly and quiet, nor did I hear of a single act of aggression on their part ; the only way, therefore, of accounting for the bad feeling which now exists between them and the settlers, is by supposing they must have been ill-used, or that some misunderstanding has taken place.”—Lieutenant Breton, *Excursions in New South Wales*, 1834, p. 166.

‡ MS. in the possession of the Hon. Philip Gidley King, M.L.C.

friendly. We relanded on Lance Point [so named by King from 1788 the lance having been thrown to frighten him] and the same body of natives appeared, brandishing their lances and defying us. However, we rowed close in shore, and the Governor disembarked with some presents, which one of them came and received. Thus peace was established, much to the satisfaction of all parties. Phillip's reception

Phillip had no difficulty in making friends of the men whom King found it necessary to frighten with gunpowder. Why the natives readily made peace with one man while they repelled the other, is a question that can only be answered in one way. The result could not have been owing to any other cause than Phillip's tact, courage, and self-possession in dealing with them.* Another instance of his success may be seen in the incident which occurred on a subsequent occasion. Having set out in search of some natives who had killed two men at Rushcutters' Bay, he suddenly came upon a large number of them, "and in less than three minutes we were surrounded by two hundred and twelve men." It was a critical moment, and no doubt he felt the danger of his position :— His tact and courage.

Had I gone up to them with all the party, though only twelve, or hesitated a moment, a lance would have been thrown, and it would have been impossible to have avoided a dispute. A critical moment.

Fortunately, he had time enough to halt his men while he advanced alone, and by that means he avoided the collision which otherwise would have been inevitable. The event justified his theory that the only means of warding off a conflict with the natives was to place confidence in them. Collision avoided.

Another instance of his coolness in these cases may be found in his account of a trip to Broken Bay. A native who had shown signs of friendship towards the white men, having helped himself to a spade, was promptly corrected by Phillip, who gave him two or three slaps on the shoulder and pushed him away. At Broken Bay.

* "This very pleasing effect was produced in no small degree by the personal address, as well as by the great care and attention of the Governor."
—Phillip's Voyage, p. 44.

1790

Poising a
spear.

This destroyed our friendship in a moment, and seizing a spear he came close up to me, poised it, and appeared determined to strike ; but whether from seeing that his threats were not regarded, for I chose rather to risk the spear than fire on him, or from anything the other natives said who surrounded him, after a few moments he dropped his spear and left us.

Phillip's
coolness.

Phillip modestly adds that he mentioned the circumstance to show that the natives did not want personal courage, for several officers and men were then near him. But it also showed that he himself had something more than personal courage ; the coolness and self-possession he displayed when his life was threatened were remarkable. Most men in his place would have fired at the savage the moment they saw him poise the spear, and the act would have been considered justifiable; for even if the spear was not poised with the intention of throwing it, Phillip could not have known that ; and it was not thrown simply because the man was disarmed by his heroism. On a subsequent occasion he was not so fortunate, being seriously wounded by a spear thrown at him by a native who had been introduced to him by Ben-nilong at Manly Cove. Such an event was sufficient to show the necessity for caution as well as courage in dealing with savages, whose action is habitually guided by the impulse of the moment.*

Spearred at
Manly Cove.Self-
defence.

His narrow escape from death on that occasion did not deter him from acting in his usual manner towards the natives. He knew that the man who threw the spear was not actuated by treachery, but was acting in self-defence, being under the impression, when Phillip advanced towards him with open hands, that he was about to be seized and carried off in the same way that other natives had been captured by the Governor's orders. Nothing indeed that had occurred during his intercourse with the tribes had led him to regard the natives as treacherous.† An unfavourable

* Collins, p. 134 ; Tench, Complete Account, p. 59. Poising a spear at a stranger was a common practice with the natives. It was an invitation to stand his ground.

† Hunter, p. 463-4.

opinion on that point was expressed by Captain Hunter and Surgeon White, based on the fact that the natives frequently attacked white men whom they happened to meet unarmed, while they never interfered with those who carried arms. These attacks, however, were probably—as Phillip always believed—acts of retaliation. In the first months of the settlement the canoes and spears, which they had been accustomed to leave on the beaches, were frequently carried off by the convicts and the seamen of the transports; for which revenge was taken whenever an opportunity offered, according to native law. The aggressors, in all cases, were necessarily the men who had not only driven the natives out of their hunting-grounds, but had taken away their means of living—especially the fish.* Phillip recognised their right to that kind of property by ordering the boating parties always to give the natives a share of any fish that might be caught. He relates that on one occasion—

Treachery or retaliation.

Native rights.

Twenty of the natives came down to the beach, each armed with a number of spears, and seized on a part of the fish caught in the seine. While the greatest number were seizing the fish, several stood at a small distance with their spears poised, ready to throw them if any resistance had been made; but the coxswain very prudently permitted them to take what they chose, and they parted good friends. They at present find it very difficult to support themselves.

Seizing fish in Port Jackson.

If we compare this passage with one in Cook's Voyage, under date 19 July, 1770, describing an attempt made by the natives on the Endeavour River to seize some turtle on board his ship, there will be no difficulty in understanding the native view of the matter. In both cases it is evident that the act—which to the European mind would present the

Seizing turtle on the Endeavour.

* "Still it is impossible that the Government should forget that the original aggression was our own; and that we have never yet performed the sacred duty of making any systematic or considerable attempt to impart to the former occupants of New South Wales the blessings of Christianity, or the knowledge of the arts and advantages of civilised life."—Lord John Russell to Sir George Gipps, 21 December, 1839.

1790 appearance of an impudent attempt at robbery—was in fact an assertion of right on the part of the native owners.*

A hunting party at Botany.

The camp surprised.

The gamekeeper killed.

There was one occasion, however, on which Phillip felt called upon to alter his usual line of conduct towards the natives, with the view of teaching them a much-needed lesson. In the month of December, 1790,† a party consisting of a serjeant of marines and three convicts—among whom was a man named McEntire, “the Governor’s gamekeeper”—was sent out for the purpose of shooting kangaroos at Botany Bay, in order to increase the stock of provisions, which had then become alarmingly small. During the night, they were disturbed in their camp by a noise among the bushes near them, which they found was occasioned by some natives—two of whom were seen creeping towards them with spears in their hands, while three others appeared a little behind. McEntire then got up, saying that he knew them, and laying down his gun, went towards them. They retreated slowly while he followed and began talking in a friendly way with them. One of them suddenly jumped on a fallen tree, and without giving the least warning of his intention, launched his spear at McEntire with such force as to drive it seven and a half inches into his left side. The unfortunate man lingered for some weeks

* “Every tribe has its own district, the boundaries of which are well-known to the natives generally; and within that district all the wild animals are considered as much the property of the tribe inhabiting, or rather ranging on, its whole extent, as the flocks of sheep and herds of cattle that have been introduced into the country by adventurous Europeans, are held by European law and usage the property of their respective owners.”—Dr. Lang, quoted in Captain Grey’s Journals of Two Expeditions, 1841, vol. ii, p. 283.

“The foundation of their social edifice may, like that of civilised nations, be said to rest on an inherent sense of the rights of property. As strongly attached to that property, and to the rights which it involves, as any European political body, the tribes of Australia resort to precisely similar measures for protecting it, and seek redress and revenge for its violated laws through the same means as an European nation would, if similarly situated. Thus, if his territory has been trespassed upon, in hunting, by a neighbouring tribe, compensation or a reparation of the insult is asked for. If such be refused, war ensues; and when both tribes display equal force and courage, in most cases ends in a feud which is bequeathed to future generations.”—Strzelecki, Physical Description of New South Wales, 1845, p. 340.

† Tench, Complete Account, p. 89; Collins, p. 143.

afterwards and then died. Phillip was at Rose Hill when the affair occurred, but on the day after he returned to Sydney, and immediately issued the following order :— 1790

Several tribes of the natives still continue to throw spears at any man they meet unarmed, by which several have been killed, or dangerously wounded :—The Governor, in order to deter the natives from such practices in future, has ordered out a party to search for the man who wounded the convict McEntire in so dangerous a manner on Friday last, though no offence was offered on his part, in order to make a signal example of that tribe. At the same time, the Governor strictly forbids, under penalty of the severest punishment, any soldier or other person not expressly ordered out for that purpose, ever to fire on any native, except in his own defence ; or to molest him in any shape, or to bring away any spears, or other articles, which they may find belonging to these people. The natives will be made severe example of whenever any man is wounded by them : but this will be done in a manner which may satisfy them, that it is a punishment inflicted on them for their own bad conduct, and of which they cannot be made sensible, if they are not treated with kindness while they continue peaceable and quiet.

Phillip's order.

A search party of fifty soldiers.

A party, consisting of two captains, two subalterns, and forty privates, with a proper number of non-commissioned officers from the garrison, with three days' provisions, &c., are to be ready to march to-morrow morning at daylight, in order to bring in six of those natives who reside near the head of Botany Bay ; or, if that should be found impracticable, to put that number to death.

Six natives to be captured or shot.

Captain Tench proceeds to relate that, having been appointed to command the party, he received further instructions from Phillip personally to the following effect :—

That we were, if practicable, to bring away two natives and to put to death ten ; that no hut was to be burned ; that all women and children were to remain uninjured, not being comprehended within the scope of the order ; that our operations were to be directed either by surprise or open force ; that after we had made any prisoners all communication, even with those natives with whom we were in habits of intercourse, was to be avoided, and none of them suffered to approach us ; that we were to cut off and bring in the heads of the slain, for which purpose hatchets

Personal instructions.

Cut off their heads.

1790 and bags will be furnished ; and, finally, that no signal of **amity** or invitation should be used in order to allure them to us, or if made on their part should be answered by us : for that such **conduct** would not only be present treachery, but give them reason to distrust every future mark of peace and friendship on our **part**.

Natives on
the warpath.

It is hardly necessary to say that the soldiers did not **succeed** in surprising any of the suspected tribe. It is evident that Phillip at that time had not made himself acquainted with the habits and customs of the natives when on the warpath, or he would not have entertained the idea of **despatching** a large armed force in order to seize the men he wanted. But his determination to inflict punishment for an act which he looked upon as wanton murder shows that his usual course of action towards the natives was not dictated by any misplaced feeling of sympathy, but was the result of his deliberate convictions on the subject. Lenient and forbearing as he was towards them, he was not prepared to condone an unprovoked outrage on their part. In this instance there is some reason to believe that the opinion he had formed of the matter was not altogether a sound one. Tench informs us that "from the aversion uniformly shown by all the natives to this unhappy man (McEntire), he had long been suspected by us of having, in his excursions, shot and injured them." The manner in which the crime was committed would certainly lead one to suppose that it was entirely an act of revenge, provoked by some previous aggression on the part of the victim ; and so far it would serve to confirm Phillip's original theory with respect to the many attacks upon unarmed men of which complaint was made.

An act of
revenge.

Civilisation
of the race.

Looking back now on his benevolent but unavailing efforts to civilise the natives, it seems matter for regret that so little should have been done by the Home Government—either in his time or in that of his successors—to establish some definite principles of action for the purpose of reclaiming them. The task of civilising a savage race was alto-

gether beyond the power of any one man in the colony to accomplish, especially at a time when the struggle for existence was so sharply felt. It was pre-eminently the work of a central Government; the means of doing it, as well as the moral obligation to do it, lay there, and not with the embarrassed head of the colonial administration; still less with the scattered settlers, who so soon found themselves engaged in a hand-to-hand struggle with the natives. There is nothing to show that the Government entertained even the idea of improving their mode of life. Phillip was instructed to open an intercourse with them and to conciliate their affections; every one in the colony was to be enjoined to live in amity and kindness with them; they were not to be wantonly destroyed or unnecessarily interrupted in their occupations. But nothing was said about civilising them. That was Phillip's idea, conceived as soon as he found himself in their midst, and carried out as far as his means and opportunities would allow. Savages, however, are not to be reclaimed by individual acts of kindness; if the work is to be done at all, it can only be done on an organised system.

The Home Government and its obligations.

Phillip's instructions.

Organisation required.

That much might have been effected in that direction under the influence of a sound method of administration, devised and controlled by the Home Government, will hardly be denied. Sir George Grey offered several practical suggestions in a "report upon the best means of promoting the civilisation of the aboriginal inhabitants of Australia," submitted by him to Lord John Russell in 1840. Among these suggestions was one that might at least have been tested in Australia, as it has been to some extent in India: that savage customs, inconsistent with civilised life, and necessarily tending to perpetuate savagery, should be prohibited.* The report was "approved," and copies of it were sent to

Grey's suggestions.

Savage customs.

* Journals of Two Expeditions, vol. ii, p. 373.—"I do not hesitate to assert my full conviction that whilst those tribes which are in communication with the Europeans are allowed to execute their barbarous laws and customs upon one another, so long will they remain hopelessly immersed in their present state of barbarism; and however unjust such a proceeding might at first sight appear, I believe that the course pointed out by true humanity would

1788-92 the Governors of the Australian colonies and New Zealand ; but there the matter ended. The natives all over Australia have been left in the enjoyment of their most brutalising laws and customs, and the consequence has justified Sir George Grey's contention. The only measures that have been adopted with a view to their redemption are, the establishment of schools for aboriginal children and the distribution of rations and clothing among the old and infirm. According to the last report of the Aborigines Protection Board, the census taken in October, 1887, showed that the total number in New South Wales for that year, including full-blood and half-castes, was 7,902, of whom 5,042 were full-blood, and 2,860 were half-castes. The number of children attending school in the preceding year was 384 ; and the amount distributed during that year for supplies was £3,608.

Schools and
rations.

Disappearance
of the
race.

Capability
for civilised
life.

The race is fast disappearing in this colony, and the date of its final disappearance cannot be very far off. Phillip estimated that there were fully 1,500 natives living about the shores of Botany Bay, Port Jackson, and Broken Bay in his time ; but there are none to be seen now. Taking his estimate as a basis for calculation, there were probably many thousands at that time scattered over the immense territory included in the boundaries of New South Wales ; and at the present day, had not their natural increase been summarily checked by contact with civilisation, instead of the melancholy remnant of the tribes now struggling against destiny, large masses of them would have been gaining their own subsistence at the spear's point. That would have occurred in the ordinary course of nature. Whether the interests of civilisation are better served by the destruction of the race than they would have been by its preservation and redemption, is a question for philosophers to settle. That

be, to make them from the very commencement amenable to British laws, both as regards themselves and Europeans ; for I hold it to be imagining a contradiction to suppose that individuals subject to savage and barbarous laws can rise into a state of civilisation, which those laws have a manifest tendency to destroy and overturn."

they were not by nature incapable of being civilised—so far, 1788-92
 at least, as any savage race can be civilised at all—is now
 generally admitted. From the time—just two centuries ago*
 —when Dampier pronounced them “the miserablest People
 in the World,” they remained for many years after the occu-
 pation of the country under that stigma; but it has long since
 been rejected as unfounded and unjust. Sir George Grey ^{Grey.}
 considered them “as apt and intelligent as any other race of
 men I am acquainted with”;† and many other well-qualified
 observers have expressed similar opinions. In the journals
 of Australian explorers may be found many tributes to their
 intelligence and fidelity, as well as to their wonderful facul-
 ties as bushmen. “They have been described,” said Sir T. L.
 Mitchell, “as the lowest in the scale of humanity, yet I found ^{Mitchell.}
 those who accompanied me superior in penetration and judg-
 ment to the white men composing my party. . . . It
 would ill become me to disparage the character of the abo-
 rigines, for one of that unfortunate race has been my ‘guide,
 companion, councillor, and friend,’ on the most eventful occa-
 sions during this last journey of discovery.”‡ No one has
 spoken more emphatically in their favour than Edward John

* “The 4th day of January, 1688, we fell in with the land of New Hol-
 land, in the latitude of 16° 50’.”—Dampier, vol. i, p. 462.

† Journals, vol. ii, p. 374.—Grey’s pages furnish abundant evidence in
 support of this statement.

‡ Journal of an Expedition into the Interior of Tropical Australia, 1845,
 pp. 412-4. This passage contains a strong confirmation of the opinion which
 Mitchell had formed of them ten years previously. He said then:—“My
 experience enables me to speak in the most favourable terms of the abori-
 gines, whose degraded position in the midst of the white population affords
 no just criterion of their merits. The quickness of apprehension of those in
 the interior is very extraordinary, for nothing in all the complicated adap-
 tations we carried with us either surprised or puzzled them. They are
 never awkward; on the contrary, in manners and general intelligence they
 appear superior to any class of white rustics that I have seen. Their powers
 of mimicry seem extraordinary, and their shrewdness shines even through
 the medium of imperfect language, and renders them, in general, very agree-
 able companions.”—Three Expeditions, 1838, vol. ii, p. 334.

In the same volume (p. 346) the author said:—“Some adequate provision
 for their civilisation and maintenance is due on our part to this race of men,
 were it only in return for the means of existence of which we are depriving
 them. The bad example of the class of persons sent to Australia should
 be counteracted by some serious efforts to civilise and instruct these
 aboriginal inhabitants.”

1788-92 Eyre, the explorer, although no one had more cause to complain of their so-called treachery. He, like Grey, suffered severely from a wanton act of aggression on the part of the natives ; but, like Grey, he could discriminate between deliberate treachery and mere impulse ; and even where treachery was proved, he did not dream of condemning a whole race for the wrong-doing of a few. Notwithstanding his personal grievance, he could speak of them as "a people hitherto considered the lowest and most irreclaimable of mankind, but whose natural capabilities and endowments are, I feel assured, by no means inferior to those of the most favoured nations."* This may seem rather an extreme assertion ; but it is confirmed by the independent testimony of many capable judges. Of all men whose opinions might be safely taken on such a question, there are certainly none more entitled to respect than Grey, Mitchell, and Eyre. Taken together, the chapters on the manners and customs of the natives written by Grey and Eyre form perhaps the best critical dissection of the aboriginal character that has yet been published. Although each of these writers looked at his subject from a totally different standpoint, their conclusions are singularly uniform, not only as to the capacity

Eyre

Concurrence
of opinion.

Lieutenant-Col. Mundy, who was appointed Deputy Adjutant-General in the Australian Colonies in 1846, gave the result of his observations on the subject in equally strong terms :—" Yet, low in the scale of humanity as is the grade of the Australian savage, I agree with those who believe the assumption unfair that he is incapable of attaining the same standard of intelligence as the European. No really effectual and properly sustained plan for his amelioration has as yet been extended to him. Efforts, prodigal indeed in zeal and money, have been made to civilise and christianise him, but they have hitherto met with signal failure. . . . The promptitude with which the Australian blacks, enrolled in the police, have acquired a proficiency not only in the manual parts of their duties, but in discipline, abstinence from drink, obedience to orders, &c., affords satisfactory testimony of their aptitude for better things. For bush duties, especially against their own countrymen, the native police is infinitely more effective than the English police. Nor is there, I think, anything very extravagant in the assumption that the creature who has sufficient skill and energy to construct the spear and boomerang, to transfix the kangaroo at sixty paces, strike down the bird on the wing, ensnare the river fish with his nets, and pierce the sea fish with his harpoon, who can manufacture his canoe and its implements, is capable, also, of learning more useful though in fact less ingenious arts and sciences."—Our Antipodes, 4th edition, 1857, p. 52.

* Journals, vol. ii, p. 459.

but as to the character and disposition of the native race. 1788-92
 If kindness to strangers in distress or devotion to a dying master be any test of good feeling, it would be difficult to find in history more touching instances than those recorded of the blacks at Cooper's Creek in the last hours of Burke, Wills, and King, and of the faithful savage who watched over Kennedy in the agony of death.

Much has been said and written about the cruelty shown by the settlers to the natives from the earliest times; and no one can justify the many murderous acts by which it was sought to hold them in check when their numbers made them formidable. But the ultimate question that arises out of this matter is—with whom lay the responsibility? It was a war of races, and the consequences of such a struggle were inevitable. That they might have been avoided, or at least greatly alleviated, is plain from this consideration: theoretically, the law recognised no distinction between black and white; it held the life of one as dear as that of the other; but practically it deprived the native of the protection which it gave the European by rejecting his evidence in Court.* If, therefore, he could not look to the law as a means of redress, it was but natural that he, as a savage, should seek a remedy in his own way. This was but one of many evil consequences which flowed from the want of an intelligent system in dealing with the question, and which should have been established by the Home Government concurrently with the occupation of the territory. Question responsibility.

* "The fact of the natives being unable to give testimony in a Court of Justice is a great hardship on them, and they consider it as such; the reason that occasions their disability is at present quite beyond their comprehension, and it is impossible to explain it to them. I have been a personal witness to a case in which a native was most undeservedly punished, from the circumstance of the natives, who were the only persons who could speak as to certain exculpatory facts, not being permitted to give their evidence."—Grey, Journals, vol. ii, p. 380. Outlawed.

PHILLIP AND EXPLORATION.

- 1788** PHILLIP's place in the ranks of Australian explorers seems to have been but faintly recognised in history. Notwithstanding the fact that his name stands first on the list, and that his discoveries were of very great importance, it has been his unhappy fate to have his name and memory associated so closely with the dismal days of the convict era that his achievements outside that gloomy circle have been almost ignored. When he told Sydney of the only consolation he had for his unpleasant position—the reflection that he was rendering a very essential service to his country by founding a colony destined to prove the most valuable acquisition Great Britain ever made, it did not occur to him that his career in it would be, in many minds at least, identified with so much of the least attractive portion of its history. It was no doubt with a sense of relief that he turned his steps away so frequently from the Camp at Sydney Cove towards the sea-coast or the bush, for the purpose of making himself acquainted with the character of his new dominions. However much he may have been impelled by that feeling, the love of travel and adventure must have been strong within him, for he was always moving from one point to another within the limited area of exploration then open to him.* His energy and activity in the character of an explorer were conspicuously shown from the very day of his arrival. He had no sooner dropped anchor in Botany Bay than he set to
- The first explorer.**
- Forgotten labours.**
- A new field.**

* "Phillip's journeys were almost continuous ; in fact, as long as there was a question unsolved, or a hill in sight which he had not visited, he was always exploring."—Woods, *History of the Discovery and Exploration of Australia*, p. 65.

work to examine its capabilities as a harbour; and then, turning his attention to the land, he endeavoured to satisfy himself as to its suitability for a settlement. A very slight inspection of the surrounding country was enough to convince him that a better site would have to be sought for at once. Point Sutherland was the only place that could be found for the purpose in the bay, but the ground about it was spongy, and swamps would necessarily prove unhealthy. To save time—mindful, no doubt, of Sydney's imperious injunction not to "delay the disembarkation of the establishment upon the pretence of seeking a more eligible place than Botany Bay"—instructions were given to have the ground cleared for landing, and he then sailed away in an open boat, regardless of his dignity as a Governor-in-Chief, for the nearest bay to the north, of which he knew nothing beyond what he had read about it in Cook's Voyage.*

1783

Exploration
at Botany
Bay.

Broken Bay.

If Phillip had reason to congratulate himself on the good fortune which had so far attended his voyage, his heart must have rejoiced within him when his boats, after entering the heads of Port Jackson, began to work their way through its waters. As he passed from cove to cove, carefully examining each to ascertain its fitness for the site of a settlement, he no doubt experienced much the same sensations as the long-forgotten Portuguese navigator, Martin de Souza, when he discovered the other great harbour of the world—that of Rio de Janeiro—in 1531. Phillip, it is true, could not make any claim to the honour of being the discoverer as well as the explorer of Port Jackson; but he was the first European to gaze upon its waters and make them known to the world. Unfortunately, however, he left no record of his impressions as the novelty and grandeur of the scenery were displayed before him. In his despatch

Rio de
Janeiro.

* The bay referred to was not Port Jackson, as generally supposed, but Broken Bay. "The day after my arrival, the Governor, accompanied by me and two other officers, embarked in three boats, and proceeded along the coast to the northward, intending, if we could, to reach what Captain Cook has called Broken Bay."—Hunter, Journal, p. 42; post, p. 268 n.

1788 to Lord Sydney he contented himself with saying that he "had the satisfaction of finding the finest harbour in the world, in which a thousand sail of the line may ride in the most perfect security." Fresh from the great harbour of the Brazils, he had no doubt compared the two well in his own mind before pronouncing judgment so emphatically in favour of Port Jackson.* The exploration of such a harbour—which removed at once every possible doubt with respect to the ultimate success of the expedition—was a signal triumph for Phillip and a rich reward for his labours; and at the same time it probably acted as a powerful stimulus to further exertions in the same direction. If the prospect of making some great discovery with which their names would be for ever identified in history has stirred the ambition of so many explorers since his time, it may be safely assumed that he too was inspired with much the same feeling. That he was so influenced by this success in a field of action altogether new to him is evident from his despatches; and he lost no time in following up his first achievement. As soon as the ships had come round from Botany Bay, the people had been landed, the tents pitched, clearing begun, and the colony proclaimed, Lieutenant King was despatched to Norfolk Island for the purpose of occupying it; and Phillip then, on the 2nd of March, set off to explore Broken Bay, where Captain Cook, at sunset of the day on which he had passed Port Jackson, had noticed "some broken land that seemed to form a bay."

A critical comparison.

Prospect of discoveries.

Exploration of Broken Bay.

* La Pérouse thought that "the Bay of Avatscha (in Kamschatka) is certainly the finest, safest, and most commodious that is possible to be found in any part of the globe." He added:—"Its entrance is narrow, and ships would be obliged to pass under the guns of the forts that might be erected. The bottom is mud, and excellent holding ground. Two spacious harbours, one on the east and the other on the west, are capable of receiving the whole of the French and English navies." It was in September, 1787, that the Boussole and the Astrolabe were lying in the bay of Avatscha; and on the 26th January of the following year they dropped anchor in Botany Bay. La Pérouse remained there till the 10th of March, but never felt sufficient interest in Port Jackson to visit it, although he heard many descriptions of it from Lieutenant King and the other English officers whom he met while at Botany Bay.

The immediate object of this excursion was “not only to survey the harbour, if any were found to exist, but to examine whether there were within it any spots of ground capable of cultivation, and of maintaining a few families.”* 1788

Of the two purposes, the discovery of good farming land was much the more important; for up to that time no such land had been found either at the settlement or near it; and as Phillip had been told to look to the soil as a principal means of supporting his people, the necessity for getting a large area under cultivation as soon as possible had become urgent. He did not succeed in finding any land of the kind required, except near the southern entrance of the bay, where he came upon “the finest piece of water I ever saw” —which he immediately named Pittwater, after the great March.

Prime Minister. There he found “some good situations where the land might be cultivated”; but they were not adapted for his purposes, although there was no want of water; “we found small springs of water in most of the coves, and saw three cascades falling from a height which the rains then rendered inaccessible.” Phillip spent eight Farming land.

days in rowing about the three branches of the harbour and examining the coves; but “the almost continual rains prevented any kind of survey.” The bay was afterwards surveyed by Captain Hunter, in August, 1789. It proved to be a very fine piece of scenery, spreading itself out in four large branches; but the entrance of the northern branch—now called Brisbane Water—was obstructed by a sand-bar, “that had only water for small vessels.” The rainy weather rendering it impossible to explore either the bay or its shores satisfactorily, Phillip was compelled to return sooner than he otherwise would have done; and “some of the people feeling the effects of the rain,” he had to return by water instead of by land, and was thus prevented from examining “a part of the country which appeared open and free from timber.” Pittwater.

Fine
scenery.

Driven
back.

* Collins, p. 19.

1788

April.

The natives.

During his interviews with the natives at Broken Bay he had many opportunities of observing their peculiar customs, which puzzled him a good deal—especially that of cutting off two joints from the little finger of the left hand among the women. He noticed also that the men had the right front tooth in the upper jaw knocked out, wore a piece of wood or bone in the nose, and were scarified about the breast and arms. Some of their graves were opened, and from the ashes found in them he “had no doubt but that they burn their dead.”

Another
excursion.

The next expedition set out on the 15th of April, when Phillip endeavoured to explore the country on the sea-coast a little to the north of Port Jackson. Landing at Shell Cove, between Manly Beach and the North Head,* he found, further on, “a passage with deep water into a branch of the harbour that runs to the north-west.” On examining this part of the country he came across “a run of fresh water that came from the westward,” and a few days afterwards he proceeded to trace it up to its source. In the course of this journey a large lake was met with and examined, but not without great labour, as it was “surrounded with a bog and a large marsh, in which we were frequently up to our middle.” This lake is known to excursionists of the present day as Lake Narrabeen, and is frequently visited by coach on the road from Manly to Pittwater. Here Phillip saw a black swan for the first time, and thought it “a noble bird.” It took the party three days’ hard work to get round the swamps and marshes which they met with on their way;

Lake
Narrabeen.

* There is another Shell Cove in Middle Harbour, between Hunter’s Bay and the Spit; and a third between Mossman’s Bay (formerly called Great Sirius Cove) and Neutral Bay, so named by Phillip when he directed that all foreign ships entering the harbour should anchor there. “The Governor, thinking it probable that foreign ships might again visit this coast, and perhaps run into this harbour for the purpose of procuring refreshments, directed Mr. Blackburn to survey a large bay on the North Shore, contiguous to this cove; and a sufficient depth of water being found, his excellency inserted in the Port Orders that all foreign ships coming into this harbour should anchor in this bay, which he named Neutral Bay, bringing Rock Island to bear S.S.E., and the hospital on the west side of Sydney Cove to bear S.W. by W.”—Collins, p. 64.

but the traveller nowadays is not obstructed in that manner, the swamps and marshes having long since disappeared under the influence of drainage and cultivation. The result justifies the philosophic reflections indulged in on this subject by the editor of Phillip's Voyage, on "the great improvement which may be made by the industry of a civilised people in this country."*

1788

April.

Drainage
and culti-
vation.

Phillip made one or two other discoveries besides that of the lake on this occasion. When about fifteen miles from the coast he had "a very fine view of the mountains inland"—by which he meant the celebrated range afterwards known as the Blue Mountains. Those to the north he named the Carmarthen Hills, those to the south the Lansdowne, and one that rose up between them Richmond Hill—after some political celebrities of the time. While gazing at the distant range an idea occurred to him which led to one of his most important discoveries. "From the rising of these mountains I did not doubt but that a large river would be found"; and in order to satisfy himself on that point he determined to make another exploration in a different direction.

The Blue
Mountains.The Hawkes-
bury.

Accordingly, he set off again a week afterwards, and having landed near the head of the harbour, tried to make his way through the country before him straight to the mountains. This might be called the first of the many attempts to explore the Blue Mountains made during a period of twenty-five years; for it was not until 1813 that the colonists succeeded in cutting a passage through them. Phillip had not gone far on his way before he was stopped by the scrub—which he called "a close cover"—and was obliged to return. On the following day a fresh start was made. By keeping along the banks of a small creek for about four miles the party managed to escape the scrub, and then came upon some unusually good country—"as fine as any I ever saw"—the trees growing from twenty to forty feet apart from

First
attempt to
reach the
Mountains.Fine
country.

* Voyage, p. 98; post, p. 288.

1788 each other, and no scrub, except where the soil was poor.
 April. It was this sort of country that charmed the eyes of Captain Cook and his friends when, "properly accoutred for the expedition," they made their little "excursions into the country" at Botany Bay—finding in one direction "~~the~~ face of the country finely diversified by wood and lawn," and in another "some of the finest meadows in the world." Phillip was so pleased with the undulating landscape before him, with its wild flowers and birds of brilliant plumage flitting through the trees, that he found ordinary English unequal to the expression of his feelings, and therefore gave it the name of Belle Vue—probably in recollection of some pleasant landscape in the old world.

Australian
scenery.

Driven back
again.

Natives
inland.

But the river was not discovered ; it had taken the party five days to make thirty miles, and there was yet no sign of it. The provisions they had taken with them would not last long enough to enable them to make any further attempt on that occasion to reach the mountains, and Phillip suffered so much from a pain in the side—brought on by sleeping for several nights on damp ground at Broken Bay—that he was obliged to return ; but he did so with the intention of renewing the attempt in a few days. The good country they had seen, and the prospect of discovering a large river, "made everyone, notwithstanding the fatigue, desirous of being of the party"; and they were not a little encouraged to make another attempt by the traces of the natives which they had seen. Phillip says he "was surprised to find temporary huts made by the natives far inland, where they must depend solely on animals for food." He did not know then what their resources were, but took it for granted that when they left the sea-coast wild animals were their only source of supply. His conjectures as to their habits at this time are not a little amusing. He could not understand how they could live at any distance from the coast, unless wild animals were very plentiful and easily caught ; being under the impression that fish was their principal means of subsistence.

"Whether they live in the woods by choice, or are driven from the society of those who inhabit the sea-coast, or whether they travel to a distant part of the country, I can form no judgment at present." Evidently he was still much more of a sailor than a bushman, and the idea of such savages living wholly in the bush all the year round seemed out of the question to him. It had not yet occurred to him that the bush maintained its tribes as well as the sea-coast, and that wherever the explorer might go in the interior he would be sure to meet with the natives. The only point on which he was quite clear was, that "when they go inland they certainly do not carry any fish to support them."*

1788

April.

Their food supply.

The most helpful discovery inland made by Phillip during his first year of office was that of some good farming land near the head of the harbour, where he found "a tract of country running to the westward for many miles which appears to be in general rich, good land." The necessity for cultivating land largely in order to support his people

Farming land at Parramatta.

* "On the coast fish makes a considerable part of their food, but when that cannot be had, it seems hardly possible that, with their spears, the only missile weapon yet observed among them, they should be able to procure any kind of animal food."—Phillip's Voyage, p. 102.

"The sea-coast, we have every reason at present to believe, is the only part of this country which is inhabited by the human race; the land seems to afford them but a very scanty subsistence."—Hunter, p. 65.

On the other hand, Vancouver, not finding any fish-bones or oyster-shells about the native camps at King George's Sound, concluded that the coast natives went inland for food.—Voyage, October, 1791.

The difficulty suggested by such casual observations as Vancouver's about the oysters is explained by the following passage from Eyre's Journals, referring to the oyster-beds he met with at Streaky Bay:—"Many drays might easily be loaded, one after the other, from these oyster-beds. The natives of the district do not appear to eat them, for I never could find a single shell at any of their encampments. It is difficult to account for the taste or prejudice of the native which guides him in his selection or rejection of particular kinds of food. What is eaten readily by the natives in one part of Australia is left untouched by them in another; thus the oyster is eaten at Sydney, and I believe at King George's Sound, but not at Streaky Bay. The unio or fresh-water muscle is eaten in great numbers by all the natives of New South Wales and South Australia, but Captain Grey found that a Perth native, who accompanied him on one of his expeditions, would not touch this kind of food even when almost starving. Snakes are eaten by some tribes, but not by others; and so with many other kinds of food which they make use of."—Journals, vol. i, p. 195.

"No part of the country is so utterly worthless as not to have attractions sufficient occasionally to tempt the wandering savage into its recesses

1788 had been daily making itself more and more felt, the land about Sydney Cove being found practically useless for the purpose. The first farm made in the colony was at Farm Cove—whence its name—and there nine acres were laid down in corn soon after the settlement was formed; but nine acres were obviously not enough to support over a thousand persons, and Phillip was consequently driven to explore the surrounding country in search of better soil. Hence his frequent journeys north, south, and west. The only available land which he succeeded in finding for some time was near the head of the harbour, at a place which he named Rose Hill—not knowing at the time that the native name was Parra-matta. Here, in November, 1788, he commenced operations on a large scale, and with so much success that Rose Hill soon became an important establishment.* His own experience as a gentleman farmer while settled at Lyndhurst, in the New Forest, was probably turned to some practical account here; at any rate, it lent some little attraction to his labours.† When Captain Hunter visited the place in

November.

The first farm.

Rose Hill.

In the arid, barren, naked plains of the north, with not a shrub to shelter him from the heat, not a stick to burn for his fire (except what he carried with him), the native is found, and where, as far as I could ascertain, the whole country around appeared equally devoid of either animal or vegetable life. In other cases, the very regions which, in the eyes of the European, are most barren and worthless, are to the native the most valuable and productive. Such are dense brushes or sandy tracts of country covered with shrubs, for here the wallabie, the opossum, the kangaroo rat, the bandicoot, leipoa, snakes, lizards, iguanas, and many other animals, reptiles, birds, &c., abound; whilst the kangaroo, the emu, and the native dog are found upon their borders, or in the vicinity of those small grassy plains which are occasionally met with amidst the closest brushes.”—Eyre, Journals, p. 351.

* “The month of November commenced with the establishment of a settlement at the head of the harbour. On the 2nd, his excellency the Governor went up to the Crescent with the Surveyor-General, two officers, and a small party of marines, to choose the spot, and to mark out the ground for a redoubt and other necessary buildings; and two days after a party of ten convicts, being chiefly people who understood the business of cultivation, were sent up to him, and a spot upon a rising ground, which his excellency named Rose Hill, in compliment to G. Rose, Esq., one of the Secretaries of the Treasury, was ordered to be cleared for the first habitations. The soil at this spot was of a stiff clayey nature, free from that rock which everywhere covered the surface of Sydney Cove, well clothed with timber, and unobstructed by underwood.”—Collins, p. 45.

† He had luckily brought out with him from England a man-servant who, according to Collins (p. 64), “joined to much agricultural knowledge a per-

May, 1789, after his voyage to the Cape of Good Hope for provisions, he was surprised to find the little settlement in a very flourishing condition; and in July, 1790, Phillip "laid down the lines of a regular town" there; the principal street being one mile in length, with a breadth of two hundred and five feet. The regular town was afterwards named Parramatta by Phillip, on the 4th June, 1791—that being the King's birthday.

1788

November.

Town of
Parramatta.

The Rose Hill experiment led to other results besides an extension of farming operations. It convinced Phillip that the only means by which the cultivation of the soil could be carried on with permanent success, so as to render the colony independent of supplies from England, was to introduce free settlers, and supply them with convict labour on certain terms until they had established themselves. It was entirely owing to his repeated and emphatic representations on this subject that the Home Government consented, in 1792, to send out free settlers; and the method of dealing with convict labour, afterwards known as the Assignment system, is clearly traceable to the same source. The first settlers—there were only five of them—arrived early in 1793, after Phillip had left the colony; and each received a small grant of land "at the upper part of the harbour above the Flats," to which they gave the name of Liberty Plains. One of the conditions under which they engaged to settle in the colony was that "the service of convicts should be assigned to them free of expence, and those convicts whose services might be assigned to them should be supplied with two years' rations and one year's clothing." Such was the commencement of the Assignment system, of which so much was afterwards heard. Under Phillip's recommendation, it was originally limited to certain cases and conditions, for the purpose of inducing free settlers to reside

Free
settlers.Assignment
system.Liberty
Plains.

fect idea of the labour to be required from, and that might be performed by, the convicts; and whose figure was calculated to make the idle and the worthless shrink if he came near them." This man was said to be the only free person in the colony who had any knowledge of farming; post, p. 351.

1788 in the colony and cultivate lands to be granted by the Crown.

August. Subsequently, however, it was developed into a very different arrangement, under which the services of convicts might be obtained by anyone who could feed and clothe them; and it remained in force until the great abuses to which it naturally gave rise ultimately led to its extinction in 1838.

Assignment
discon-
tinued.

Exploration
of the north-
ern coast.

Another excursion was made on the 22nd August in the same year, when Phillip, who was accompanied by Lieutenants Johnston and Cresswell, Surgeon White, and six soldiers, set out to examine the coast between the North Head and Broken Bay. They landed at Manly Cove and proceeded northward along the coast for about six miles, when they were forced to halt until the tide had run out of a lagoon, so that they could ford it. The next day they reached the south branch of Broken Bay; but finding the country rather too rugged for them, they returned to the sea-shore, in order to examine the south part of the entrance into the bay. All along the shore they met parties of the natives, with whom they exchanged civilities. On the following day they returned to the branch of the bay which they had seen, making their way to it by means of a native path. At the head of it they found a freshwater river, which took its rise, a little above, out of a swamp. They made no discovery of any importance, but the trip served to increase their knowledge of the country in that direction, and enabled Mr. White to obtain several specimens of its natural history.

Friendly
natives.

Botany Bay
again
examined.

To remove all doubt as to the capability of Botany Bay for the purposes of settlement, and also to extend his knowledge of its branches, Phillip sailed round with a small party in boats, leaving Sydney on the 11th December, and remaining out for five days. During that time he examined the different branches of the bay, now known as Cook's River, George's River, and Woronora River. He left no account of his trip, and consequently we have no knowledge of the opinion he formed with respect to the

country examined; but the result confirmed him in his first impression as to the impolicy of founding a settlement in that direction. 1789
June.

* The next and perhaps the most important of Phillip's expeditions of discovery started from head-quarters on the 6th of June, 1789. Since his last visit to Broken Bay he had been compelled to defer his projected excursions to the north-west for several reasons. Not only had his health suffered from exposure, but the departure of the *Sirius* for the Cape of Good Hope in October of the previous year had deprived him of the society of Captain Hunter and his officers, as well as of the use of her boats and crew. The exploration of the large river of which he had been dreaming ever since he had found himself in full view of the Blue Mountains would require their assistance, as it would be necessary to ascend the river from its mouth, to take soundings and measurements, and to examine the country as they went on. The return of the *Sirius* in May, 1789, enabled Phillip to carry out his intentions, and accordingly a large party was at once organised for the purpose. Two boats were sent on to Broken Bay with provisions, and in a third were Phillip, Captain Hunter and two of his officers, Captain Collins the Judge-Advocate, Captain George Johnston of the marines—then *aide-de-camp* to the Governor, and afterwards a very conspicuous character in our history—and Surgeon White, “all armed with musquets, &c.” They landed “on the north part of Port Jackson”—probably at Manly Cove—and proceeded along the coast towards Broken Bay, crossing many long sandy beaches and struggling through the bush on the hill-sides, occasionally meeting with a path “which the natives in travelling along the coast had trod very well down.” These paths spared them a good deal of hard work in making their way through the rugged country in which they found themselves as soon as they began to face the hills.* Expedition
in search of
a river.

Exploration
by boats.

Native
paths.

* Frequent reference is found in the Journals of subsequent explorers to the native paths met with in the interior, and which frequently proved of

1789

June.

The river
discovered.Examining
the country.Return to
Pittwater.

When they had reached the shores of Broken Bay, where they found the boats waiting for them, they proceeded to explore the various branches of it which had been partially examined on Phillip's previous visit. Two days were devoted to this work, and on the third, while sailing up the north-west branch, they saw a point of high land which had the appearance of an island.* Being determined to satisfy themselves on that point, they proceeded to examine it, and while doing so they were led into a branch which had not before been discovered. Following that up, they found a good depth of water and every other indication of the opening of an extensive river. The whole of the day was spent in rowing up the stream, and in the evening they landed on a low marshy point, where they pitched their tents for the night. Their progress next morning was delayed by fogs until ten o'clock, when the sun enabled them to find their way up the windings of the river. The day was passed in a careful examination of the tides and the general character of the river and surrounding country; but they could go no further then for want of provisions, and were compelled to return when evening came on. They had gone about twenty miles from the entrance of the south-west branch; but the banks of the river were so very steep where they were that "there was not a spot on which we could erect a tent except where it was marshy ground." The only landing-place they could find was "a parcel of rocks," and there they passed the night. The next day they had a fair wind, blowing fresh, and consequently were able to sail down to Pittwater, where they camped, and afterwards remained a few days in order to recruit.

essential service in leading them to water. Captain Sturt came upon the Darling River while following a track made by the natives:—"As the path we had observed was leading northerly, we took up that course, and had not proceeded more than a mile upon it when we suddenly found ourselves on the banks of a noble river."—Two Expeditions, p. 85. Eyre was indebted to these paths on several occasions for water while making his way among the sand-drifts along the Great Australian Bight to King George's Sound.

* Hunter, p. 143.

Phillip's satisfaction at this point may be easily imagined ; his confident prediction of the year before that a great river would be found flowing from the distant mountains was now confirmed ; and if he had had a doubt remaining in his mind as to the ultimate success of his settlement, it left him here. For a large river meant a large stretch of fertile country on its banks, of a very different character from that at Rose Hill or any other place in its neighbourhood, with easy carriage for produce by water. As soon as the river banks could be occupied and farmed—especially if free settlers could be sent out for the purpose—there would be an end to all fears as to the supply of food for the people at Sydney Cove ; nor would there be any necessity for sending the *Sirius* to the Cape or the *Supply* to Batavia for the purpose of obtaining provisions. This was the point which he had so long been struggling to reach ; and having at last arrived at it, he lost no time in following up his latest discovery.

1789

June.

Value of the discovery.

As soon as he had got back to Sydney Cove, he gave orders for the preparation of another expedition, being determined to trace the river to its distant source in the Blue Mountains. The party included the same men as before, with an addition of five marines, numbering altogether about forty, "all well armed and capable of making a powerful resistance," in case they should be attacked by the natives. They left Sydney Cove on the 28th of June, one boat being sent on to the south branch of Broken Bay. The land party walked, as before, from the north part of Port Jackson to Pittwater, which they reached in five hours—very good time, considering that each man had to carry his knapsack and gun, and that the country they had to pass through was very rough. No boat having made its appearance when they arrived at Pittwater, they had to walk round all the bays, woods, and swamps between the head and the entrance of that branch of the bay, in order to meet the boats ; and then they found the day so far gone that there was nothing left to do but to pitch their tents for the night.

Another expedition to the river.

Walk to Pittwater.

1789

June.

Mullet
Island.

The next morning they set off in the boats at daybreak ; passed Mullet Island—so named from the quantity of mullet and other fish they had caught there on their last visit to it—and then got into the river, reaching a point within three or four miles of the place at which they had turned back three weeks before. There they camped for the night. On the following day they started again at daybreak, and after they had gone a very short distance they found the river divided into two branches, one leading to the north-west and the other to the south. Following the former, they rowed all day up the stream, the banks of which were generally “immense perpendicular mountains of barren rock” ; in some places “low marshy points covered with reeds or rushes” intervening between the banks and the mountains. Having found a tolerably dry spot at the foot of one of these hills, they camped for the night.

Rowing up
the river.

Their progress next day was considerably checked by large trees which had fallen from the banks, reaching almost across the river. It was now so narrow as hardly to deserve the name ; and at last they found they had scarcely room for the oars or water enough to float the boats. Nothing was left but to go back ; their estimated distance at this point from Mullet Island being thirty-four miles. Continuing their way down, they entered the southern branch of the river by six o'clock in the evening, and then camped. Proceeding up this part of it next day, they found it again divided into two other branches. Taking the one to the north, they found the water gradually becoming shoally, the depth being four to twelve feet ; but Phillip, thinking that “it might lead to a good country, determined to go as high as the boats could find water.” They followed the windings of the stream as far as they could go, and managed to cover about thirteen miles of it ; the banks being much the same as those of the last, “high, steep, and rocky mountains, with many trees growing down their sides from between the rocks, where no one would believe there could be any soil to nourish them.”

Shallow
water.Another
march.

Here Captain Hunter found the height of the opposite shore to be two hundred and fifty feet perpendicular above the level of the river, which was thirty fathoms wide at that point. 1789
July.

Passing next day into the second southern branch of the river they found deeper water, and rowed for thirteen or fourteen miles before camping for the night; but the country around them "wore a very unpromising aspect, being either high rocky shores or low marshy points." On the following day they went up about fourteen miles, the banks of the river being low and covered with trees which they called pine-trees, from the resemblance of its leaf to that of the European pine. The banks at this part of the river had the appearance of being ploughed up, "as if a vast herd of swine had been living on them." When they went on shore to examine the ground they found "the wild yam in considerable quantities, but in general very small, not larger than a walnut." The natives had done the ploughing. Rough
country.

Wild
yams.

While the boats were passing through a reach of the river, the great range of mountains, of which they had caught distant glimpses on former occasions, seemed suddenly quite close to them—as if a veil of clouds had rolled away in a moment. Phillip, generally happy in his selection of names, called them the Blue Mountains.* No doubt he began to realise, while gazing at the stupendous masses of rock split up into numberless gorges densely covered with timber, how difficult a task lay before the man who should venture to explore them. But his present purpose was not to force a passage, like another Hannibal, through the Alpine range before him, but to trace the river he had found to its source, and ascertain as far as possible how far the neighbouring country would serve the pressing needs of the settlement. The Blue
Mountains.

The
Sphinx.

After passing the night at the foot of a hill, they continued their voyage up the river at daybreak on the following

* "Called by the Governor the Blue Mountains."—Hunter, p. 150.

1789 day, still finding deep water and a wide channel. But as
 July. they went on the water gradually became shallow and the
 channel narrow, showing that they were not very far from the
 source in the mountains. Towards evening they found them-
 selves at the foot of a mountain covered with lofty trees,
 Pleasant but free from scrub; the country all around being pleasant
 scenery. to look upon, rich with grass, and without any of those rocky
 patches which met their eyes so often in other directions.
 The charms of the scenery led them to move some distance
 up the hill before they camped. In the stillness of the night
 they were startled by the roar of distant waters falling over
 rocks, and concluded at once that there was a cataract in
 the way which would stop their progress up the river.

A view of the
 mountains.

In order to satisfy themselves on that point, they walked to
 the top of the hill next morning, when they saw an immense
 range of mountains only five or six miles off; between this
 range and the hill on which they stood—which Phillip had
 named Richmond Hill—lay a deep valley; while in the range
 itself they distinctly saw “a remarkable gully or chasm”
 about five miles away. On each side of this gigantic gap
 stood two hills, which Phillip had named the Carmarthen
 and Lansdowne Hills. After they had done justice to the
 scenery here, they descended the hill towards the river; but
 as it was low water and the boats could hardly float in it,
 they determined to wait for the next tide, and to spend the
 intervening time in exploring the country. They found it
 perfectly clear of scrub, the trees standing wide apart and
 all of a great height. The soil, too, was good; a small patch
 of it was turned up under Phillip’s instructions, and a few
 potatoes, some Indian corn, melon, and other seeds were
 sown. It is pleasant to learn that it “was a common prac-
 tice when a piece of ground, favourable from its soil and
 being in an unfrequented situation, was found, to sow a few
 seeds of different kinds,”* and leave them to the kindly

Good
 country.

Sowing good
 seed.

* Hunter, p. 152; Captain Grey made an elaborate attempt to introduce plants, seeds, and animals in this manner during his expedition to the north-west coast in 1837. A large stock was collected by him in England, at

influences of nature. Some of the little gardens which had thus been planted in the wilderness were afterwards visited and found to be thriving, while others showed no return for the labour. This little instance of carefulness and forethought is characteristic of Phillip. Some of our subsequent explorers adopted a similar practice during their journeys in the far interior. It was on the same principle—suggested probably by Sir Joseph Banks—that Captain Cook used to leave pigs on the islands he visited; but in none of these cases were the benevolent anticipations realised, either as to the pigs or the gardens.

1780

July.

Cook's
pigs.

On the rising of the tide, the explorers returned to the river in the hope that they would soon be able to trace it to its source. They had not gone more than half a mile beyond the foot of Richmond Hill when they found the stream again dividing into two narrow branches, from one of which the water came down with a rush over a fall of stones apparently lying across its entrance. They now understood the noise of falling waters which had attracted their attention while lying round their camp fires on the previous evening. Notwithstanding the noise, however, there was not depth enough for the boats to proceed any further; they were therefore obliged to give up the search, and with it the hope of

The river
falls.The search
abandoned.

Teneriffe, the Cape, and Timor. On leaving Hanover Bay, where he had made a garden, he wrote:—"I considered what a blessing to the country these plants must eventually prove, if they should continue to thrive as they had yet done; and as I called to mind how much forethought and care their transportation had occasioned, I would very gladly have passed a year or two of my life in watching over them, and seeing them attain to a useful maturity. One large pumpkin plant in particular claimed my notice. The tropical warmth and rain, and the virgin soil in which it grew, had imparted to it a rich luxuriance; it did not creep along the ground, but its long shoots were spreading upwards amongst the trees. The young cocoa-nuts grew humbly amidst the wild plants and reeds—their worth unknown. Most of these plants I had placed in the ground myself, and had watched their early progress; now they must be left to their fate." Eleven Timor ponies were turned out at the same place:—"Two good mares which were among them might possibly be the means of giving a very valuable race of horses to this country. The companions of our weary wanderings were turned loose,—a new race upon the land; and, as we trusted, to become the progenitors of a numerous herd."—*Journals*, p. 236. Planting vegetables on the islands they called at was a common practice among the whalers; *Memoirs of Joseph Holt*, vol. ii, p. 353.

1789 tracing the river to its source in that direction. The next
July. five days were occupied in the return to Mullet Island, many
of the smaller branches being examined on the way.

Floods in
the river.

While they were looking about them at the falls they were surprised to observe the signs of recent floods in the river; and further examination revealed to them the immense force of a mountain torrent descending from such a range as that before them. They saw large logs of timber, which had been lodged from thirty to forty feet above the level of the river, caught on their way down by the clefts in the branches of trees which had been strong enough to resist the onward sweep of the current. All these trees had been bent by the irresistible power of the flood; but most of them had been laid level with the ground on which they stood, "with their tops pointing down the river, as much as I ever saw a field of corn after a storm." The capacity for working wreck and ruin possessed by this little mountain torrent was evident enough even twelve or fourteen miles lower down, where the same sort of flood-marks were visible at twenty-eight feet above the surface of the water; although the common rise and fall of the tide did not appear to be more than six feet. But it was left for later colonists to learn at their cost what "a flood in the Hawkesbury" might mean at times.

Trees bent
like grass.

Return to
head-
quarters.

The return of the explorers to Sydney Cove was marked by an incident, graphically described by Captain Hunter,* which shows how very difficult it was in those days to move about the country, even in the neighbourhood of the settlement. When they had arrived at the north part of Port Jackson—somewhere near Manly—they were unable to reach the settlement, no boat having been sent to meet them; and consequently they had to choose between walking round Middle Harbour to the cove in which the Sirius was lying, or walking back to Broken Bay, where they had left their boats. They were rescued from this dilemma by two of the men swimming across a narrow part of Middle Harbour, and

A journey
from Manly.

* Post, p. 518.

thence making their way to Sirius Cove. "I cannot help here remarking," says Captain Hunter, "how providential it was that we did not all agree to walk round the north-west harbour"; and he then proceeds to describe their meeting with the unfortunate sailmaker of the Sirius, who had been four days lost in the bush, and was nearly dying from hunger and exhaustion. The picturesque places about the harbour, now so easily visited by holiday parties in the course of a day, were then traversed with very great fatigue and no little danger of being lost in the bush and starved to death.* The little journeys undertaken by Phillip from time to time may seem very small performances at the present day; but the difficulty of penetrating the country even for twenty or thirty miles inland can only be understood when we have fully realised the struggles of our hardy pioneers to reach the great barrier which blocked the way to the unknown plains of the west. It was only by repeated efforts to reach the mountains that the nature of the task was really comprehended. How little was known of it in the first instance may be seen in Captain Tench's unsuspecting allusion to it:—

1789

July.

Lost in the bush.

The Farrier Range.

At the distance of sixty miles inland, a prodigious chain of lofty mountains runs nearly in a north and south direction, further than the eye can trace them. Should nothing intervene to prevent it, the Governor intends shortly to explore their summits; and I think there can be little doubt that his curiosity will not go unrewarded.†

It took twenty-five years, and many painful efforts, to reach those summits. Phillip seems to have satisfied himself during his exploration of the Hawkesbury that in his weakened state of health the task was beyond his powers; at any rate he made no serious attempt to scale the mountains himself. But

Twenty-five years' work.

* "In many of these arms (of the harbour), when sitting with my companion at my ease in a boat, I have been struck with horror at the bare idea of my being lost in them; as, from the great similarity of one cove to another, the recollection would be bewildered in attempting to determine any relative situation. It is certain that if destroyed by no other means, insanity would accelerate the miserable end that would ensue."—Collins, p. 69.

† Narrative, p. 118.

1789
December
A trip to the mountains.

in December, 1789, a few months after his return from his last expedition, he despatched a small party under Lieutenant Dawes* for that purpose. They were out for nine days, and were then obliged to return; for in that time they had done nothing beyond struggling through the gullies and up the rocky hills which met them everywhere. Dawes calculated that he had reached within eleven miles of the range, and seemed to think that he had done something in getting so far—as no doubt he had; but the mountains were practically as far off as ever. Collins (p. 89) gives the following account of this expedition:—

Dawes's expedition.
The Nepean.
Cloven hoofs.

Early in this month, Lieutenant Dawes, with a small party, taking with them just as much provisions as they could conveniently carry, set off on an attempt to reach the western mountains by and from the banks of the freshwater river, first seen some time since by Captain Tench, and supposed to be a branch of the Hawkesbury. From this excursion he returned on the ninth day without accomplishing his design, meeting with nothing after quitting the river but ravines that were nearly inaccessible. He had, notwithstanding the danger and difficulty of getting on through such a country, reached within eleven miles of the mountains, by computation. During his toilsome march he met with nothing very remarkable, except the impressions of a cloven foot of an animal, differing from other cloven feet by the great width of the division in each. He was not fortunate enough to see the animal that had made them.†.

* Then in charge of the observatory which had been put up on Point Maskelyne—so named after Dr. Maskelyne, the Astronomer Royal of the time—but afterwards called Dawes' Point, "to receive the astronomical instruments which had been sent out by the Board of Longitude for the purpose of observing the comet which was expected to be seen about the end of this year."—Collins, p. 15. Dawes was also "directed in public orders to act as officer of artillery and engineers; in consequence of which the ordnance of the settlement, and the constructing of a small redoubt on the east side, were put under his directions"; p. 26. The small redoubt was long afterwards known as Dawes' Battery.

† Captain Grey came upon similar tracks while exploring in the north-west, between Hanover Bay and the river Glenelg:—"I have to record the remarkable fact of the existence in these parts of a large quadruped with a divided hoof. This animal I have never seen, but twice came upon its traces. On one occasion I followed its track for above a mile and a half, and at last altogether lost it in rocky ground. The foot-marks exceeded in size those of a buffalo, and it was apparently much larger, for where it had passed

Another important discovery—that of the Nepean River—was made by Captain Tench in June, 1789. Having been placed in command of the redoubt at Rose Hill shortly before that date, he was unable to join the expedition which resulted in the discovery of the Hawkesbury; but the success achieved on that occasion inspired him with the ambition of acquiring some distinction in the capacity of an explorer. “Stimulated,” as he put it, “by a desire of acquiring a further knowledge of the country,” he set out from Rose Hill at daybreak on the 26th June, accompanied by the assistant surgeon of the settlement, the surgeon’s mate of the Sirius, two marines, and a convict. They directed their march to a hill five miles off, in a westerly direction, which commanded “a view of the great chain of mountains called Carmarthen Hills, extending from north to south further than the eye can reach.” Here they paused, gazing for a time at “the wild abyss” of impassable ranges which rose up before them, and considering the direction they should take. After some consultation, they determined to steer west and by north by compass, the make of the land in that quarter indicating the existence of a river. They continued their march all day—

1789

June.

Tench's expedition.

The ranges again.

through a country untrodden before by an European foot. Save that a melancholy crow now and then flew croaking overhead, or a kangaroo was seen to bound at a distance, the picture of solitude was complete and undisturbed. At four o’clock in the afternoon we halted near a small pond of water, where we took up our residence for the night, lighted our fire, and prepared to cook our supper—that was, to broil over a couple of ramrods a few slices of salt pork and a crow which we had shot. At daylight we renewed our peregrination; and in an hour afterwards we found ourselves on

In the bush.

through brushwood, shrubs of considerable size in its way had been broken down, and from the openings there left I could form some comparative estimate of its bulk. These tracks were first seen by a man who had joined me at the Cape, and who had there been on the frontier during the Caffre war; he told me that he had seen the *spur* of a buffalo, imagining that they were here as plentiful as in Africa. I conceived at the time that he had made some mistake, and paid no attention to him until I afterwards twice saw the same traces myself.”—Journals, p. 242.

1789-90 the banks of a river, nearly as broad as the Thames at Putney, and apparently of great depth, the current running very slowly in a northerly direction. Vast flocks of wild ducks were swimming in the stream ; but after being once fired at, they grew so shy that we could not get near them a second time. Nothing is more certain than that the sound of a gun had never before been heard within many miles of this spot.

First view of
the Nepean.

Traces of the
natives.

They followed the course of the river for the rest of that day, making slow progress "through reeds, thickets, and a thousand other obstacles, over coarse sandy ground which had been recently inundated, though full forty feet above the present level of the river." They came upon many traces of the natives, "sometimes in their hunting-huts—sometimes in marks on trees which they had climbed—or in squirrel-traps—or in decoys for ensnaring birds." Having remained out for three days, Tench returned to Rose Hill "with the pleasing intelligence of our discovery." The river was then named the Nepean by Phillip, after his friend Evan Nepean. The country they passed through was described as tolerably plain and little encumbered with underwood, except near the river side.*

Tench's
second and
third ex-
peditions.

The next attempt to penetrate the country was again made by Tench in August, 1790. In company with Dawes and Worgan, formerly surgeon of the Sirius, he proceeded in a south-west direction as far as a hill which he called Pyramid Hill. They came upon a river—" unquestionably the Nepean at its source"—to which they gave the name of the Worgan. Towards the end of the month, the same party made another excursion to the north-west of Rose Hill, when they again fell in with the Nepean, and traced it to the spot where Tench discovered it fourteen months before. No discoveries were made on these occasions, but something was added to the knowledge of the country.†

* Complete Account, p. 27.

† Ib., pp. 52, 53. Péron, the naturalist of the French Expedition of 1801, wrote an amusingly inaccurate account of these excursions :—Ce ne fut qu'au mois de décembre 1789 que le Gouvernement lui-même crut devoir s'occuper, d'une manière particulière, des montagnes de l'ouest. Le Lieu-

The unsuccessful attempts made by Dawes and others to reach the Blue Mountains did not, however, deter Phillip from making an effort to do so; and for that purpose he equipped another expedition, which set out from Rose Hill on the 11th April, 1791*. The party comprised, besides himself, Tench and Dawes, Judge-Advocate Collins and his servant, three convicts who were considered good shots, eight soldiers with two serjeants, and Surgeon White; provisions for seven days being taken with them. "Every man (the Governor excepted)"—Tench tells us—"carried his own knapsack, which contained provisions for ten days; if to this be added a gun, a blanket, and a canteen, the weight will fall nothing short of forty pounds. Slung to the knapsack are the cooking kettle and the hatchet, with which the wood to kindle the nightly fire and build the nightly hut is to be cut down." Two friendly natives, Colebe and Ballederry—the latter had been living at Phillip's house for some time—being anxious to go with them, were allowed to do so, as "much information was expected from them." This was the first occasion on which convicts and blacks were employed in the work of exploration; but they were frequently taken on subsequent expeditions. The line of march taken by Phillip was from Rose Hill to the Hawkesbury, opposite Richmond Hill, then across the river, and so on to the mountains. Foreseeing that a few hours' rain at that time of the year might flood the river and so render their return a difficult matter, he proposed to cross it with only half-a-dozen persons, leaving the rest to construct a raft of

1791

April.

Phillip's
expedition
to the
mountainsHeavy
marching
order.Employ-
ment of
convicts and
blacks in
exploration.Crossing
a river.

tenant Dawes partit, à l'effet de les reconnoître, avec un gros détachement de troupes et des vivres pour dix journées de marche; mais, après neuf jours de fatigues et de dangers, il revint au Port Jackson, sans avoir pu s'avancer au delà de neuf milles dans l'intérieur des montagnes. D'après son rapport, il avoit été arrêté par des ravins impraticables, par des chaînes de rochers très-hautes, très-escarpées et bordées de précipices.

Huit mois après l'expédition du Lieutenant Dawes, c'est à dire au mois d'août 1790, le Capitaine Tench partit lui-même avec une forte escorte de soldats et tous les objets nécessaires pour tenter de nouveau le passage des montagnes bleues; mais cette excursion ne fut pas plus heureuse que la première.—Voyage, vol. i, p. 390.

* Hunter, p. 512; Tench, Complete Account, p. 112.

- 1791** light wood for the purpose of punting them over on their
April. return ; or if no wood could be found for that purpose, to help them across with lines which were taken with them. The first day's travelling was directed towards the north-west, so as to cross a part of the country which had not yet been explored. After passing several deep ravines and going round the heads of others, over a barren but well-timbered country, they found some good land before them, but it did not last long ; for after a few hours walking they came to a dry, arid soil, mostly covered with loose stones. Having met with some pools of good water towards evening, they made their fires near them and laid down for the night.
- New country.**
- Kangaroos.** During the day they had seen large numbers of kangaroos —of which there were two varieties, a large grey one (patagorag), and a small red one (baggaray). So plentiful were these animals that in one herd alone there could not have been less than forty.
- At the river.** Starting again the next morning, a few hours brought them to the river, which at that point was about three hundred feet wide, with high banks ; the soil about it being a light sand, extending several hundred yards from the river, and covered with fine straight timber. They were now eighteen and a half miles from Rose Hill. As the current in the river was running down, they set off to follow its windings ; a man being told off to count his paces as he went, in order that "they might always know their situation in the woods, and the direction it would be necessary to take when they returned across the country." The party marched in Indian file, "the person who went first always falling into the rear whenever he found himself fatigued." During the day they saw "several good situations," as Phillip termed them—meaning sites for farms—on both sides of the river. As they moved along its banks, wild ducks were seen in great numbers on the water, but they were too shy to give anyone a shot at them. In the afternoon, they came upon a creek which they found too deep to cross, and were therefore obliged to leave the river in order to pass round the head
- Counting paces.**
- Heading a creek.**

of the creek; when they had done so, "they found themselves on the borders of a river not more than eighty feet wide," with low banks covered with brush. The land rose so much on their right that they could not see more than a hundred yards about them, and what they did see was not pleasant to look upon, being mostly a poor stony soil. The country through which they were moving was not by any means easy walking for men carrying their own provisions, so that they did not object to halt at four o'clock and make their fires for the night.

1791

April.

Poor
prospect.

On the third day they continued following up the creek, which had now dwindled into a good-sized ditch, until they reached the head of it, where they were able to cross over. They then struck for the north-west in order to get to the river again; but they were soon stopped by a deep gully. On ascending a hill to their left, they saw the country open towards the west, and thought they could distinguish Richmond Hill—the southern extremity of the range—apparently about thirteen miles distant. To the little hill on which they stood Phillip gave the name of "Tench's Prospect Hill," that officer having then seen Richmond Hill from it for the first time. Here they seem to have found themselves in a difficulty, not knowing in what direction they should proceed. At last they determined to return to the point at which they had made the river the day before, and then to trace it westward until they had got opposite Richmond Hill. So they trudged back again to the head of the creek which they had crossed at noon; and when they had reached it they thought they had taken quite enough exercise for that day, and accordingly sat down to tea round their camp fires.

Hills and
gullies.Retracing
their steps.

They did not make a very early start next morning, as it was half-past seven when they crossed the creek. They then had some easy walking through a country full of timber and pleasing to the eye, but with a poor soil covered all over with stones. The next thing they came to was a swamp, where they had a little duck-shooting before they crossed it;

1791 after which they had no difficulty in reaching that part of
 April. the river where they had turned off from it on the second
 day of their journey. Thus they had not much to congratulate
 themselves upon for their four days' exertions. At this
 point, however, fortune befriended them in the shape of an
 old native, whom they saw paddling his own canoe in the
 river. They made their two natives coo-ee to him and in-
 vite him to come over, which he did without any hesitation,
 happening to know one of them. The stranger followed the
 explorers up the river in his boat; but as soon as he saw
 that they did not know how to save themselves unnecessary
 fatigue in walking, he was kind enough to leave it at once
 and take the lead, quickly bringing them into a path made
 by the natives along the river. Here they moved along
 easily; and after they had camped for the night they were
 joined by another native with a lively little boy, who soon
 became friendly with them, intimating their intention to
 stay, though they had left their families on the opposite
 bank of the river. In return for a biscuit, the old man
 who had acted as a guide gave an exhibition of his agility
 in climbing a tree—the finest exhibition of the kind which
 Phillip had yet seen.

A friend in
 need.

Native path.

Another
 creek.

Doubling
 the
 branches.

On resuming the journey next day, the party continued
 to follow the natives' path along the bank until they came
 to another creek—too wide to be crossed by cutting down
 a tree, and too deep to be forded. They had no choice,
 therefore, but to follow its windings until they supposed
 themselves at the head of it, and then they made for the
 river again. But they had not gone far before they found
 they had only rounded a small branch of the creek; so that
 they had to follow up the principal branch of it—a task
 which occupied them for the rest of the day and gave them
 infinite labour to do it. In the afternoon they found it
 divide again into two branches, either of which might have
 been crossed on a tree; but by this time they were all worn
 out with fatigue, and therefore decided to take rest—especi-
 ally as it threatened to rain heavily and they had no tent.

Here the two natives, who had been grumbling a good deal during the last day or two, began to grumble in a still louder key. One of them talked pathetically about his absent wife and child; while the other, when he saw the rain coming, reminded Phillip that there were good houses at Sydney and Rose Hill, but none there; no fish and no melon. They would not have felt any remorse in leaving the party had they not been afraid to return by themselves, knowing the danger of hostile spears. They had joined the expedition in the belief that it was a hunting excursion, got up for the purpose of shooting ducks and patagorangs; but when they saw that Phillip did not stop at the places where good sport might have been had, they began to wonder why he had left Rose Hill, and pressed him to return. The two natives were not the only members of the party who were dissatisfied with the results of the expedition. It was clear to all of them that their chance of exploring the Blue Mountains was a very poor one, seeing that they could not do a day's journey without being stopped by a creek or a gully, compelling them to go round it, and thus bringing them back to the place from which they started. Finding that the next two days would be taken up in getting to the opposite side of a creek not one hundred feet wide, Phillip determined to return at once to Rose Hill, sixteen miles from their camp. The next morning they started on their homeward journey and reached the settlement in the afternoon.

1791

April.

The natives
sulky.

No sport.

Return to
Rose Hill.

During this excursion they had a good opportunity for observing the singular precautions adopted by the natives when meeting each other unexpectedly in the bush; and as it was probably owing to neglect of similar precautions on the part of Europeans that many of the unfortunate collisions took place with the natives, it is worth while to give Phillip's account of them. Soon after their camp-fires were lighted on the first evening they were out, the voice of a native calling his dog was heard in the bush; and as their natives wished to interview him, they coo-ceed,

Native pre-
cautions on
meeting.

1791 and were answered by him. As his voice grew nearer, they
 May. desired the party to lie down and keep silence. They then
 advanced a little from their camp; but as the stranger
 Advancing and retiring. approached they retreated, and as they advanced he was
 equally cautious. Meanwhile a light was seen moving to-
 wards them; they went forward to meet it, and on coming
 up to the bearer of it a conversation, at a respectful distance,
 took place between the parties. The fire—a piece of lighted
 bark from the tea-tree—was carried by a little boy who
 was made to walk in front, so that the man behind could
 see if the others were armed or not, while he kept himself
 behind the trees. When the friendly natives came up to
 Exchanging names. him they told the boy their names and that of the tribe to
 which they belonged; the boy in return giving similar
 information on his side. The stranger then making his
 appearance, they gave him the names of the party, who
 were still at the camp-fire. On Phillip's approach the boy
 ran away but the man stood his ground, evidently not much
 at ease when he saw four or five white men near him—though
 none of them had arms in his hands. They were all intro-
 duced to the stranger by name,* and invited him to come
 to their fire, some fifty yards off; but he declined to do so
 on the plea that he had left his family behind him.

After the discovery of the Nepean in June, 1789, a ques-
 tion had arisen among the explorers whether that river and
 the Hawkesbury were really separate streams, or whether
 one was merely an affluent of the other. In order to settle
 the matter, Tench and Dawes—who seem to have inter-
 ested themselves greatly in the work of exploration—made
 two excursions, one in August, 1790, which proved fruitless
 so far as this question was concerned; and the other in

Tench and
 Dawes.

* The custom of introducing strangers by name, individually, was general among all the tribes. Cook relates that, while his ship was lying in the Endeavour River—12 July, 1770—"three Indians ventured down to Tupia's tent, and were so well pleased with their reception that one of them went with their canoe to fetch two others whom we had never seen; when he returned, he introduced the strangers by name, a ceremony which, upon such occasions, was never omitted."

May, 1791.* The two officers, accompanied by two soldiers, started from Rose Hill, intending to make for that part of the river opposite Richmond Hill at which Phillip's party had arrived. The journey resulted in their ascertaining that the two rivers were in reality but one.† Tench's narrative of this expedition is distinguished by a sympathetic expression of his gratitude towards certain natives whom they met on their arrival at Richmond Hill. Finding it necessary to cross the river at that place, they were obliged to seek their assistance; and so far from taking advantage of helpless strangers, they cheerfully helped them out of their difficulty. After the party had been ferried across the river, the natives brought over the knapsacks and guns which had been left behind, and delivered them to their owners without making any attempt to seize or even handle them:—

1791

May.

Nepean and
Hawkesbury
one river.

Friendly
natives.

During this long trial of their patience and courtesy, in the latter part of which I was entirely in their power from their having possession of our arms, they had manifested no ungenerous sign of taking advantage of the helplessness and dependence of our situation, no rude curiosity to pry into the packages with which they were entrusted, and no sordid desire to possess the contents of them; although among them were articles exposed to view of which it afterwards appeared they knew the use and longed for the benefit. Let the banks of those rivers "known to song"; let him whose travels have lain among polished nations, produce me a brighter example of disinterested urbanity than was shown by these denizens of a barbarous clime to a set of destitute wanderers on the side of the Hawkesbury.

Their kind-
liness and
honesty.

This is a well deserved tribute to the merits of the aboriginal character; but it is not more emphatic than similar

* Tench, Complete Account, p. 127; Hunter, p. 530.

† "The Nepean or Cowpasture River is a fine stream, rising a few miles north of Berrima and flowing in a northerly direction through a fine agricultural district into the Hawkesbury River, between Penrith and Richmond, or at the confluence of the Grose River. The Nepean is, in fact, only another name for the upper end of the Hawkesbury. It is fed by numerous tributary streams, the principal of which are the Wattle, Mount Hunter, Stonequarry, and Myrtle Creeks; and the Warragamba, Bargo, Cordeaux, and the Cataract Rivers. The Nepean flows past the townships of Picton, Riversford, and Camden."—Whitworth, New South Wales Gazetteer.

1791 expressions of opinion on the part of Tench's contemporaries. It is well worthy of note that all who were qualified to form an opinion—especially Phillip, Hume and Collins, as well as Tench—seem to have formed an opinion of the natives they met with, and to have been animated by the kindest feelings towards them, notwithstanding their occasional outbreaks of savagery.

Their quick-
ness of
perception.

their mental capacity, Tench did not hesitate to declare "the natives of New South Wales possess a considerable portion of that acumen, or sharpness of intellect, bespeaks genius."*

Dawes's
chart.

In following the course of Phillip's explorations—are not always easily made out from the only record of them that have come down to us—the reader will find considerable assistance in a chart of the country constructed by Lieutenant Dawes, bearing date March, 1791. It can be seen that the whole extent of the country of New South Wales which Phillip and his contemporaries had acquired any knowledge of lay between Botany Bay and Broken Bay, and was practically bounded to the west by the rivers Hawkesbury and Nepean. The country beyond the Nepean had been penetrated, in December, 1789, as far as the hill marked Mount Twiss on the chart; but the difficulties attending any attempt to explore in that direction are amusingly indicated by the remarks which Dawes has sprinkled over his chart. Beyond Mount Twiss another mountain was seen, named Round Hill; and we are told that "of this hill the Governor desired that the summit might be attained, if possible; and on arriving at the western brow of it, a rugged country lay between it and Round Hill appeared." At another part of the chart we read that "all this country, as far as the eye can reach for many miles, appears very mountainous and covered with trees." Statements of this kind may be taken to represent all that was then known of the country between the river and the Blue Mountains. But of Phillip's energy

Struggles
of the
explorers.

Topography
under
difficulties.

* Complete Account, p. 188.

Page 101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
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determination to gain a satisfactory knowledge of the country some idea may be formed by the dotted lines marked on the chart, running from Rose Hill and Prospect Hill to the banks of the Hawkesbury and the Nepean. Dawes tells us that "the dotted lines show where it is intended to travel in the course of the winter months ensuing, of May, June, July, and August." From which it may be seen that plans had been formed for a thorough examination of the country lying between those boundaries.

1790-91

July.

Prospective travels.

Some portion of this work had been carried out in August, 1790; for it appears from the chart that an expedition had set out from Prospect Hill on the 1st August in that year; had passed beyond the "probable course of the river" (Nepean) to within a short distance of Pyramid Hill to the south on the 3rd; had then turned back towards the river, crossed it, and moved in a north-east direction, where it came on the 5th to a "country of coppices," and thence homewards to Prospect Hill. Another expedition seems to have started from that point later in the same month, travelling north-west till it came to "a lake of muddy water about thirty feet wide, apparently deep; in flood it rises twenty feet; the opposite bank rises beautifully to the height of about fifty feet." Thence the party struck off towards the Hawkesbury, passing through "swampy country" till it reached the river at a point above Richmond Hill; then following along the banks, where they found that "this bank is very sandy," and again, "sandy, the opposite bank is the same"; turning off towards home and passing through country described as "land various; in some parts very good, in others indifferent"; further on meeting with some better soil, "here the land in many places is very good"; and finally reaching home on August 27. It was in this way that the early settlers got to know the nature of the country round about them.

Expeditions from Prospect Hill.

Country of coppices.

Land various.

The last effort at exploration made by Tench and Dawes was in July, 1791, when they went in search of a large river supposed to exist a few miles to the southward of Rose Hill.

1791 They did not succeed in finding anything better than a
 July. salt-water creek running into Botany Bay, and on its banks
 they passed a miserable night from want of water to quench
 their thirst; for as they believed that they were going to a
 river they "thought it needless to march with full canteens."
 Trench and Dawes on their last expedition. The most noticeable event on this occasion was the extra-
 ordinary degree of cold experienced on the road, when they
 were six miles south-west of Rose Hill. Trench's descrip-
 tion of the scene is of sufficient interest to deserve quota-
 tion :—

A winter
 scene.

The sun arose in unclouded splendour, and presented to our
 sight a novel and picturesque view; the contiguous country as
 white as if covered with snow, contrasted with the foliage of trees
 flourishing in the verdure of tropical luxuriance. Even the
 exhalation which steamed from the lake beneath contributed to
 heighten the beauty of the scene. Nothing but demonstration
 could have convinced me that so severe a degree of cold ever
 existed in this low latitude. Drops of water on a tin-pot, not
 altogether out of the influence of the fire, were frozen into solid
 ice in less than twelve minutes. Part of a leg of kangaroo, which
 we had roasted for supper, was frozen quite hard, all the juices of
 it being converted into ice. On those ponds which were near the
 surface of the earth, the covering of ice was very thick; but on
 those which were lower down, it was found to be less so in pro-
 portion to their depression; and wherever the water was twelve
 feet below the surface (which happened to be the case close to us),
 it was uncongealed.*

Frozen
 kangaroo.

Review.

Such is the history of exploration during Phillip's time.
 The narrative of his little excursions may provoke a smile
 at the present day, when contrasted with the exploits of
 later explorers who succeeded in crossing the continent from
 north to south and from east to west, in face of all the diffi-
 culties and dangers presented by mountain ranges, sandy
 deserts, flooded rivers, and sometimes hostile savages. There
 is no more comparison between Phillip's achievements and
 theirs, in one sense, than there is between a harbour excur-

* Complete Account, p. 130.

sion and an ocean voyage. But a little consideration will be enough to show that any such conclusion would be unjust to the founder of the colony. If his performances will not bear comparison with those of his more distinguished successors in the same field, it is because the difficulties in his path were, after all, as great in their way as any that others had to contend with. We have only to realise the position in which he was placed in order to see that, under the conditions he had to contend against, it was scarcely possible that the work of exploration could be attended with any marked success. The only means by which it could be accomplished at that time was by boats; for the moment that an exploring party set out to face the bush their progress was checked at every step. They took no horses either to ride or to carry provisions; consequently every man in the party had to walk, carrying his own supplies as well as his arms and ammunition; and as no one could possibly carry more than enough to supply him for eight or ten days, the limits of their exploring powers were very soon reached. If we add to all this the extreme fatigue of travelling in such a manner, without any means of fording a river or even a creek, without even a tent to sleep in at night, and with the constant apprehension of an attack from the natives, it will be seen that exploration under such circumstances was all but hopeless.

1788-92

Difficulties
of the first
explorers.

No horses.

No tents.

But for the discovery of the Hawkesbury, it would hardly have been possible to have made any way at all into the surrounding country. It was almost equivalent to the making of a road. Followed as it was shortly afterwards by the discovery of the Nepean, it enabled Phillip to gain some insight into the character of the country inland. Had the work of exploration been understood in his days, the advantage thus gained might certainly have been turned to better account. A dépôt, for instance, might have been established at the foot of Richmond Hill, which would then have become a basis for further operations; and from that point excursions might have been made to the north-west

Discovery of
the rivers.

No dépôts.

1788-92

The art of
exploration
not known.

with much less difficulty than when starting from Rose Hill. But neither Phillip nor any of his officers had yet learned the art of making their way through an unknown country, such as that which lay around them. They could not go five miles into the bush without running the risk of losing themselves. When they went on an overland expedition, one man of the party was told off to count his paces in order that they might have some idea as to where they were and how far they had travelled; a small pocket compass being the only instrument they had to guide them. Exploring in that fashion was mere groping in the dark. The explanatory notes made by Lieutenant Dawes on his map—the first exploring map constructed in the colony—show how much the land lay in darkness before him, with here and there a ray of light breaking through it. It was a matter of common occurrence for men to lose themselves in the bush, even in the neighbourhood of Sydney Cove and within sight of the harbour; so much so that the annual returns of casualties included a column under the heading—"Lost in the Bush."

No instru-
ments.Value of his
work.

The work actually accomplished by Phillip in this direction during his five years of office was nevertheless of the highest importance. Apart from the elaborate surveys of Botany Bay, Port Jackson, and Broken Bay, which were made by Captain Hunter under his direction—his exploration of the Hawkesbury and of the country which lay between it and Sydney Cove not only rescued the settlement from the peril of ultimate failure, but it may be said to have laid the foundation of all subsequent discoveries. No one can read the journals of Australian explorers without observing how much they were all indebted to the labours of those who had successively gone before them. If Oxley paved the way for Cunningham, Sturt, and Mitchell, they in their turn acted as unseen guides to Eyre and Grey, who again inspired Leichhardt, Burke, Stuart, and others with the hope of penetrating the continent from sea to sea. But Oxley, with whom the history of scientific exploration may be said to

Foundation
of subse-
quent dis-
coveries.

have begun, could not have accomplished what he did if 1788-92
 Lawson, Blaxland, and Wentworth had not succeeded in
 finding a way for him over the Blue Mountains four years
 before he started from Bathurst Plains to trace the Mac-
 quarie and the Lachlan. Nor again could they have per-
 formed that task had it not been for the exertions of those The labours
of our prede-
cessors,
 who went before them in opening up the country to the
 banks of the Nepean and the Hawkesbury. Even the men
 who absolutely failed in their attempts to cross the mountains
 —Bass, Bareiller, and Caley, to say nothing of those who
 preceded them—may be said to have materially assisted
 Lawson and his party in solving the problem which had
 defied their own painful efforts. It was in this spirit that
 Forrest, who crossed from Perth to Adelaide round the
 Great Australian Bight, acknowledged that “the records of and their
sufferings.
 Eyre’s expedition were of the greatest service to me, by at
 least enabling me to guard against a repetition of the terrible
 sufferings he endured.”*

* Forrest, *Explorations in Australia*, p. 11.

EXPLORATION BY SEA.

1788-92 THE course of events at sea during Phillip's time is so much a matter of historical interest that, although not immediately connected with his own work, it is well to bear it in mind, if only for the purpose of obtaining a connected view of the progress of exploration and discovery.

In February, 1788, Lieutenant Ball, of the *Supply*, while on his way to Norfolk Island, discovered an island which he named Lord Howe Island. On his voyage to Batavia and back in 1790 he sailed round New Holland, and was the first navigator who is known to have done so.*

Oyster Bay. In July, 1789, Captain Cox of the brig *Mercury* discovered a bay in the south coast of Van Diemen's Land, called Cox Bight; and also another bay, known as Oyster Bay, on the inner side of Maria's Island.†

Cape Arnhem. Towards the end of the year 1791, Lieutenant McCluer, of the Bombay marine, sighted Arnhem's Land and sailed along the coast, westward, till he reached Cape Van Diemen.†

Jervis Bay. Two of the transports which arrived in Port Jackson in August, 1791, brought with them intelligence of discoveries made during their passage. The ship *Atlantic*, on the evening before her arrival, ran into a harbour on the coast which the naval agent on board named Jervis Bay. The *Matilda* anchored in a bay of one of Schouten's Islands, off the east coast of Van Diemen's Land, which the master named **Matilda Bay.**‡

* Tench, *Complete Account*, p. 72. Phillip's *Voyage*, p. 189, contains an account of Lieutenant Shortland's discovery of a reef, which he named Middleton Shoals. See Collins, vol. i, p. 76; vol. ii, p. 137.

† Flinders, *Introduction*, pp. xci, xv.

‡ Tench, *Complete Account*, p. 136; Collins, pp. 171-3.

On the 21st August, 1788, Lieutenant Bligh, then in com- 1788-89
mand of the *Bounty*, bound to the Society Islands on the
bread-fruit mission, anchored in Adventure Bay, on the east
coast of Van Diemen's Land, and remained there a fortnight,
taking in wood and water, and endeavouring to obtain some
knowledge of the country and its native population. He
had seen the bay on a former occasion, when sailing with
Captain Cook in the *Resolution* and *Discovery*, in January,
1777; but he found no sign of any European vessels having
been there since their visit. During his stay a number of
whales made their appearance in the bay, for several days
together. He sailed away from it on the 4th September,
after having made a very careful plantation of vegetables,
grain, and fruit-trees.

Bligh in the
Bounty at
Adventure
Bay.

Early in May, 1789, Bligh began that portion of his cele-
brated voyage in the *Bounty's* launch which took him along
the north-east coast of New Holland. On the 27th—a month
after he had been put over the ship's side by the mutineers
—he recorded that “we passed much driftwood this fore-
noon, and saw many birds; I, therefore, did not hesitate to
pronounce that we were near the reefs of New Holland,”
—known to him as the reefs on which the *Endeavour* struck
in 1770. His reason for making the coast so far to the
south was that he never doubted of numerous openings
in the reef, through which he could have access to the
shore. On the following day, “as we advanced within the
reefs, the coast began to show itself very distinctly, in a
variety of high and low land.” Selecting one or two
islands before him for a resting-place, he “found a bay
and a fine sandy point to land at”; and there they re-
mained for two days, recruiting themselves with oysters,
wild fruit, and fresh water. Keeping on his course till he
had doubled Cape York, on the 3rd of June he arrived at
an island which he “found was only a rock where boobies
resort, for which reason I called it Booby Island. Here

Bligh in the
Bounty's
launch.

The reef.

Booby
Island.

* Bligh, *Voyage to the South Sea*, pp. 45-53.

1791 terminated the rocks and shoals of the north part of New Holland"; and he adds:—

I have little doubt but that the opening, which I named the Bay of Islands, is Endeavour Straits; and that our track was to the northward of Prince of Wales's Isles.*

Endeavour Straits. There is some interest in the passage in which Cook referred to this "opening," on the 23rd August, 1770:—

To this channel, or passage, I have given the name of the ship, and called it Endeavour Streights.

Cook, it seems, had not then read Dalrymple's Account of the Discoveries in the South Pacific Ocean previous to 1764, published in 1767—the year before the Endeavour sailed—in which he showed that Torres had sailed through the Straits in 1606.

Bryant's escape to Timor.

When the news of Bligh's voyage reached the settlement at Sydney Cove, it inspired some of the more daring convicts with fresh hopes of escaping from their prison†. The most adventurous of the many attempts made for this purpose was that of a man named William Bryant, who, accompanied by his wife and two children and seven men, sailed away from the port in a cutter which had been placed under his charge for fishing purposes. This event took place on the night of the 28th March, 1791. Bryant and two or three of the men with him had some knowledge of navigation as well as the management of a boat; and having obtained a compass, quadrant, and chart from the master of a Dutch vessel lying in the harbour, they steered for Timor. Tench obtained the following account from one of them:—

Assisted by the Dutchmen.

They coasted the shore of New Holland, putting occasionally into different harbours which they found in going along. One of these

* In 1792, Captain Bligh, in H.M.S. Providence, explored a passage through Torres Straits on his return voyage from Tahiti to the West Indies. Lieutenant Flinders served on this expedition, and left an account of it in the introduction to his work, p. xix.

† "After the escape of Captain Bligh, which was well known to us, no length of passage or hazard of navigation seemed above human accomplishment."—Tench, Complete Account, p. 108. The facts relating to Bryant's escape are related by Collins, pp. 156, 218, and also by Tench.

harbours, in the latitude of 30° south,* they described to be of superior excellence and capacity. Here they hauled their bark ashore, paid her seams with tallow, and repaired her. But it was with difficulty they could keep off the attacks of the Indians. These people continued to harass them so much that they quitted the mainland and retreated to a small island in the harbour, where they completed their design. Between the latitude of 26° and 27°, they were driven by a current thirty leagues from the shore among some islands, where they found plenty of large turtles. Soon after they closed again with the continent, where the boat got entangled with the surf and was driven on shore, and they had all well nigh perished. They passed through the Straits of Endeavour, and beyond the Gulf of Carpentaria found a large fresh-water river which they entered, and filled from it their empty casks.

1791

Attacked by
Indians.Driven on
shore.

Until they reached the Gulf, they saw no natives or canoes differing from those about Port Jackson; but now they were chased by large canoes, fitted with sails and fighting-stages, and capable of holding thirty men each. They escaped by dint of rowing to windward. On the 5th of June, 1791, they reached Timor.†

Chased by
Malays.

Here they were received with kindness by the Dutch, until the arrival of Captain Edwards, of H.M.S. Pandora, at Timor, led to their detection, when they were immediately arrested, lodged in prison, and afterwards handed over to him to be conveyed to England. Tench notices, as a peculiar coincidence, that the woman and one of the men were in the same ship as himself when the First Fleet sailed for Botany Bay; and that on the arrival of H.M.S. Gorgon, in which he was a passenger, at the Cape of Good Hope in March, 1792, they were put on board that ship to be taken back to England for trial.

A capture
and a coinci-
dence.

On the wreck of the Pandora during her voyage in search of the Bounty mutineers, the officers and crew who had escaped from the wreck, to the number of ninety-two, with ten prisoners, made a voyage of eleven hundred miles in

Boat voyage
of the
Pandora's
crew.

* Either Shoal Bay, latitude 29° 43' south, discovered by Flinders in 1790, or Port Macquarie, latitude 31° 25' 45" south, discovered by Oxley in 1828.

† Complete Account, p. 108.

1791-92 four of the ship's boats, from the reef on which the ship struck along the northern coast of New South Wales to Coepang. The wreck took place on the 28th August, 1791, and the boats reached Batavia on the 16th September.*

d'Entrecasteaux. The expedition, comprising the ships *Recherche* and *Espérance*, sent out by the French Government under the command of Rear-Admiral Bruni d'Entrecasteaux and Captain Huon de Kermadéc, for the purpose of ascertaining the fate of *La Pérouse*, anchored in Storm Bay on the 21st April, 1792; and during their stay there, which lasted until the 16th of May, the Frenchmen surveyed and named various places on the coast, including d'Entrecasteaux Channel, the entrance to the rivers Huon and Derwent, Bruni Island, Port *Espérance*, and *Recherche Bay*—names which have since retained their places on the map.

Vancouver. It was in September, 1791, while Phillip was exploring the country around Rose Hill, that Captain Vancouver sighted the south-west coast of New Holland and discovered King George's Sound. He remained there for some weeks; and after having explored the Sound and done full justice to the oysters, he sailed away to the east—thus losing the opportunity of making those discoveries which afterwards moved the ambitious spirit of Flinders. The dangerous nature of the navigation along the coast, added to want of time for prosecuting the work of discovery in these seas, are the reasons given by Vancouver for abandoning it at the very time when it seemed to promise good results for his labour. It was in much the same way that Captain Furneaux, after his separation from Captain Cook in 1773, contented himself with a few days' sailing along the coast of Van Diemen's Land from Adventure Bay, and then bore away to New Zealand—leaving it to Bass to discover the straits which have made his name immortal. "It is my opinion," said Furneaux, "that there is no straits between

* Hamilton, *Voyage Round the World in H.M. Frigate Pandora*, pp. 104-137; Flinders, *Introduction*, p. xvii; plate xiii.

New Holland and Van Diemen's Land, but a very deep bay"; and yet he had left Adventure Bay only four days before, "intending to coast it up along shore, till we should fall in with the land seen by Captain Cook, and discover whether Van Diemen's Land joins with New Holland." A still more singular opinion was left on record by Captain Cook after he had passed some days in Adventure Bay, on his third voyage in January, 1777. As if he felt it necessary to offer some reason for not having made further explorations while on the coast, he wrote:—"Van Diemen's Land has been twice visited before"; (by Tasman and Furneaux).* "I need hardly say that it is the southern point of New Holland." When he sighted Point Hicks, in 1770, he was in doubt as to whether Van Diemen's Land formed part of New Holland or not, and accordingly said:—"I cannot determine whether it joins to Van Diemen's Land or not." Between that date and 1777 he seems to have made up his mind on the point, relying on the report made by Furneaux.

1773

Straits between New Holland and Van Diemen's Land.

Cook's opinion.

These are curious instances of the indifference felt with respect to the exploration of the coast of New Holland. The discovery of a north-west passage, or a supposed continent towards the South Pole, was looked upon as the only object that could seriously deserve attention on the part of the Governments as well as the great geographers of the time. In 1745, an Act of Parliament offered a reward of £20,000 for the discovery of a passage from the North Atlantic to the North Pacific through Hudson's Bay. When it became known that no such passage existed, another Act, passed in 1776, offered the same reward for the discovery "of any northern passage for vessels by sea between the Atlantic and Pacific Oceans." Cook's second voyage was made for the purpose of determining "whether the unexplored part of the Southern hemisphere be only an immense mass of water, or contain another continent"—a question of speculative geography, which, as he states in his introduction,

North-west passage and southern continent.

Speculations of the geographers.

* And by Captain Marion in 1772; but the account of his voyage was not published in Paris until 1783.—Voyage towards the South Pole, p. xxiii.

1773 "had long engaged the attention, not only of learned men, but of most of the maritime powers of Europe." In pursuit of this object, he sailed south among the icebergs with as much prospect of discovering another continent as Frobisher had of finding the "golde mynes" he was sent to search for in the northern seas. Judging from this instance, speculative geography in the days of George the Third seems to have been no wiser than speculative gold-mining in the days of Queen Elizabeth.

Cook and
Frobisher.

It seems to have been assumed by the geographers, after the publication of Cook's Second Voyage, that the question whether Van Diemen's Land formed part of New Holland or not had been satisfactorily settled by Captain Furneaux. The introduction to the account of that voyage, published in 1784, after quoting Cook's statement that he could not determine the question, proceeds to say :—

Furneaux's
report
accepted.

But what was thus left undetermined by the operations of his first voyage, was, in the course of his second, soon cleared up ; Captain Furneaux, in the Adventure, having explored Van Diemen's Land from its southern point along the east coast, far beyond Tasman's station, and on to the latitude 38°, where Captain Cook's examination of it in 1770 had commenced.

Jumping at
conclusions.

This statement, however, is not supported by Furneaux's account of his voyage. He tells us that he discontinued his northerly course at latitude 39° and steered for New Zealand, by doing which he just missed the discovery of the straits.

In the latitude 40° 50', the land trends away to the westward, which I believe forms a deep bay, as we saw from the deck several smokes arising aback of the islands that lay before it, when we could not see the least signs of land from the mast-head.

"A deep
bay."

Thus, while Furneaux was making up his mind that "there is no straits between Van Diemen's Land and New Holland, but a very deep bay," the straits in question lay right before him. Had he been really intent on settling the matter, he could have done it in a few days. It was an easier thing, no doubt, to write "there is no straits between New Holland and Van Diemen's Land," than to sail along the coast and prove

The straits
seen, but not
known.

it. But if it is difficult to understand how a professional explorer could so easily satisfy himself on such a point, it is not less surprising to find the geographers of the day readily accepting such a statement as a satisfactory settlement of the question. How little attention was devoted to the matter may be seen from another singular assertion in the introduction to Cook's Third Voyage, published in 1784:—

It is no longer a doubt that we have now a full knowledge of the whole circumference of this vast body of land, this fifth part of the world.

Geographers
at fault.

Of the whole circumference in question, one portion only could be said to have been at all known—the strip of coast-line explored by Cook. So far as the rest of it was concerned, the knowledge possessed in his day was confined to the very meagre information obtained from Dampier and the Dutch navigators who had touched at different points of the coast—north, north-west, and south. But they did not pretend to give the world anything like a full knowledge of the country they had visited. Even Dampier's narrative, precise as it is when compared with the accounts left by the Dutchmen, is more like the composition of a traveller seeking to gratify the curiosity of his readers with strange tales, than the journal of an explorer devoted to geographical discovery. He seems to be largely responsible for the indifference with which the exploration of New Holland was regarded in Europe, even down to the days of Captain Cook. The picture he had drawn of the country was discouraging in the extreme; and yet his examination of the north-west coast was but a superficial one at best, extending over a very limited time and confined within a narrow range of observation. The prevalence of an unfavourable opinion with respect to the character of the country will probably account for the neglect of its exploration. If it had been regarded as a matter of any importance, instructions would have been given to Captain Cook, or to some of his contemporaries, to explore those portions of the coast-line

Dampier.

Result of his
description.

Exploration
of New
Holland
neglected.

- 1770 which had not been visited by the Dutch. But no such instructions were given; and, as it turned out, the exploration of the eastern coast was rather a matter of accident than design. Before he sailed in the *Endeavour*, he was instructed to explore New Zealand after the astronomical observations at Otaheite were completed, and then to return to England by such route as he should think proper.* When he had completed the examination of the islands, he had to determine which of the three routes before him he should take on his voyage home.
- Cook.
- Three routes.
- Cape Horn. I had myself a strong desire to return by Cape Horn, because that would have enabled me finally to determine whether there is or is not a southern continent; but against this it was a sufficient objection that we must have kept in a high southern latitude in the very depth of winter, with a vessel which was not thought sufficient for the undertaking; and the same reason was urged against our proceeding directly for the Cape of Good Hope with still more force, because no discovery of moment could be hoped for in that rout; it was therefore resolved that we should return
- Cape of Good Hope.
- East Indies. by the East Indies, and that with this view we should, upon leaving the coast, steer westward, till we should fall in with the east coast of New Holland, and then follow the direction of that coast to the northward till we should arrive at its northern extremity; but if that should be found impracticable, it was further resolved that we should endeavour to fall in with the land, or islands, said to have been discovered by Quiros.†

* Voyage towards the South Pole, general introduction, p. xx. Cook passed nearly six months—from the 6th October, 1769, to the 31st March, 1770—in exploring the coasts of New Zealand, during which he sailed round them and ascertained the existence of the islands it comprises. But he was only four months on the coast of New South Wales, nearly two of which were passed in the *Endeavour* River; so that his available time for exploration was limited to two months—one-third of the time devoted to New Zealand. The reason for his careful examination of that country may be found in “a favourite opinion amongst geographers,” since Tasman’s time, that New Zealand was part of a southern continent. The existence of such a continent was contended for by de Brosses and Dalrymple on the ground that the ascertained body of land in the northern hemisphere required a similar extent of it in the southern, in order to balance the globe.

† Hawksworth, vol. iii, pp. 432-3. Compare Sydney Parkinson’s *Journal of a Voyage to the South Seas*, 1784, p. 124.

PHILLIP AND HIS STAFF.*

IT is not possible to estimate Phillip's position in the colony accurately without some reference to the principal members of the establishment of which he was the head. Each of these men bore an active part in carrying on the work with which the Governor was entrusted, and the services rendered by them in their several capacities deserve some distinct recognition. Two of them, Hunter and King, succeeded him in the government of the colony, and a third, Collins, became Lieutenant-Governor of Van Diemen's Land. In their cases as well as in his, it is necessary, in order to understand the course of events, to ascertain as far as possible the character of the individual as well as the nature and extent of his work; but to do this requires us to trace each man's career from the beginning, as we find it recorded in the annals of the time. So far as the principal figures on the stage are concerned, there is not much difficulty in doing so, owing in a great measure to the fact that they left behind them a good deal of useful material for the purpose in the shape of their own journals. They stand out distinctly enough. That Phillip was, on the whole, fortunate in the selection of colleagues made for him in England may be admitted, notwithstanding the complaints he had occasionally to make. With one exception—that of the commanding officer of the marines—they appear to have been all more or less active, if not enthusiastic, in the performance of their duties. He had a personal friend as well

1787-92

Three
Governors.A good
selection.

* Post, p. 520.

1787-92 as an efficient officer in Lieutenant King of the *Sirius*, whose services at Norfolk Island proved of no little value to him. On the other hand, he was painfully hampered by the want of cordiality shown by Major Ross; while his difficulties were often aggravated by the fact that the head of the judicial department was by no means qualified for the post in which he found himself installed. With these exceptions, Phillip seems to have had little reason to find fault with his officers. Had fortune so far favoured him as to secure a zealous co-operation on the part of the military, and a wise as well as a humane administration of justice, many obstacles would have been removed from his path, while his work would have been made comparatively easy.

Military and
judicial
troubles.

CAPTAIN
HUNTER.

His book.

First on the list stands Captain Hunter of the *Sirius*, whose *Historical Journal* forms a valuable contribution to the history of the colony. The work affords good evidence of an intelligent if not of a highly cultivated mind, and it shows in a very conspicuous manner the great interest he felt in the foundation of the colony. Recollecting that naval officers in his day were not usually men of much educational attainments, Hunter's book deserves to be regarded as a highly creditable performance. The strictly nautical details to which he could hardly avoid giving a prominent place in its pages, show him to have been an accomplished as well as a careful seaman, although he was unfortunate enough to lose the *Sirius* at the very time when her services were of vital importance to the starving population of Sydney Cove.*

* "Shortly after his arrival in England (in 1801), Captain Hunter was appointed to the command of the *Venerable*, seventy-four guns. When cruising with that vessel in Torbay, one of the seamen accidentally falling overboard, Captain Hunter humanely ordered her to put about to pick him up. In executing this manœuvre, the vessel missed stays, ran ashore, and was wrecked. Captain Hunter was in consequence brought to a Court-martial for the loss of the vessel, but was honourably acquitted. In the course of the trial, it is reported that, when asked what had induced him to put the ship about in such circumstances, he replied (for he was a good man rather than a worldly wise one) that 'he considered the life of a British seaman of more value than any ship in his Majesty's navy.' He was afterwards promoted to the rank of Rear-Admiral."—Lang, *New South Wales*, 4th ed., vol. i, p. 65.

But his mind was large enough for something more than navigation; and although he does not enter into any expression of his personal views or feelings on the subject, his reader soon begins to see that the captain of the *Sirius* had his heart in the work in which he was engaged. He was an active as well as a cordial colleague of Phillip in every thing that could tend to promote the interest of the settlement. Difficulties did not keep him idle. A few days after his arrival with the transports in Port Jackson, he set off with a six-oared boat and a smaller one, for the purpose of making as good a survey of the harbour as circumstances would admit. His tracings of the survey, as well as his chart of the coast between Botany Bay and Broken Bay, published at page 101 of his quarto, remain to show how well the work was done. The interest he took in the exploration of the country inland led him to publish at the same time a "Map of all those Parts of the Territory of New South Wales which have been seen by any person belonging to the Settlement established at Port Jackson," constructed by Lieutenant Dawes in March, 1791. As the first of all our exploration maps, it has historical as well as geographical interest, and deserves to be carefully studied by those who would understand the history of Australian exploration in its earliest stage. Another useful map, representing the progress of the settlement, was drawn by Hunter in 1798, and published by Collins in the second volume of his work, facing the title-page. The original tracing contains a note in Hunter's handwriting, informing us that "the red lines show the country which has been lately walked over." The exploration of the unknown interior interested him, apparently, quite as much as it did Phillip, whom he accompanied on several expeditions. He was one of the party which discovered the Hawkesbury River, and his account of the journey is full of interest. It was on this occasion that they met with the interesting little adventure with the young native woman and her child, sketched by Hunter on the spot, an engraving of which appears on his title-page. On

1787-92

An active
colleague.

Surveys.

The first
exploration
map.A bush
sketch.

1787-92 this as on other occasions he showed how warmly he seconded Phillip's efforts to gain the good-will of the natives, by treating them with kindness, especially when in distress.

The first
flagstaff.

The first flag-staff and look-out station at the South Head were put up by Hunter at his own suggestion, at a time when every eye in the settlement was anxiously turned in that direction in the hope of seeing a ship from England with supplies. This was in January, 1790, when the provisions in the public store were not enough to last more than six months, even at half the usual allowance.

A message
from the
sea.

We all looked forward with hope for arrivals with a relief; and that every assistance necessary for strangers might be at hand, I offered, with a few men from the *Sirius*, to go down to the south head of the harbour, there to build a look-out house and erect a flag-staff upon the height, which might be seen from the sea; and which might also communicate information of ships in the offing to the Governor at Sydney Cove. The Governor approved of my proposals. I went down with six men, and was accompanied by Mr. White and Mr. Worgan, the surgeons of the settlement and *Sirius*. We erected a flag-staff and lived in a tent for ten days, in which time we completed a tolerably good house. At the end of ten days I was relieved by Mr. Bradley with a fresh party.*

Voyage to
the Cape.

During Phillip's residence in the colony, Hunter made a voyage in the *Sirius* to the Cape of Good Hope to obtain further supplies of provisions; sailing in September, 1788, and returning in May of the following year. He concluded

* Journal, p. 170. An interesting relic of the *Sirius* may be seen at the Electric Lighthouse near Watson's Bay, in the shape of an old iron nine-pounder mounted on a carriage, with the following inscription engraved on a copper plate affixed to the breech :—

"This gun, which formed a portion of the armament of H.M.S. *Sirius*, the first man-of-war that entered Port Jackson, was landed here shortly after the foundation of the colony for signalling arrivals, &c."

How the gun came to be landed from the *Sirius* is told by Captain Hunter (p. 89) :—"In the month of September (1788), Governor Phillip signified to me that it was his intention very soon to despatch the *Sirius* to the Cape of Good Hope in order to purchase such quantity of provisions as she might be capable of taking on board; and that she might be made as light as possible for that purpose, he desired that I would land eight or ten of her guns and carriages, with any other articles which I judged the ship could spare for the time she might be absent, and which might answer the purpose of lightening the ship and the making of room. In consequence of this order,

his account of the voyage with a remark which shows the 1787-92
 opinion he had formed with respect to the existence of a The un-
known
strait.
 strait between New Holland and Van Diemen's Land—a
 matter which had been a subject of speculation for many
 years among navigators.

In passing (at a distance from the coast) between the Islands of
 Schouten and Furneaux and Point Hicks—the former being the
 northermost of Captain Furneaux's observations here, and the
 latter the southermost part, which Captain Cook saw when he
 sailed along the coast—there has been no land seen; and from our
 having felt an easterly set of current, when the wind was from that
 quarter (north-west), we had an uncommon large sea, there is reason Heavy seas.
 thence to believe that there is in that space either a very deep
 gulf or a straight, which may separate Van Diemen's Land from
 New Holland.*

The opinion then formed was afterwards confirmed by
 Bass's voyage in the whaleboat. In December, 1797, when Bass in the
whaleboat.
 Hunter was Governor of the colony, he supplied Bass with
 the boat and a crew of volunteers from the men-of-war in
 port, for the purpose of exploring the coast to the south and
 south-west. The results were reported to the Secretary of
 State by Hunter in a despatch, in which he said that Bass,
 when at Western Port,—

found an open ocean westward, and by the mountainous sea which
 rolled from that quarter, and no land discoverable in that direc-
 tion, we have much reason to conclude that there is an open
 straight through, between the latitude 39° and 40° south, a circum-
 stance which, from many observations made upon tides and currents Hunter's
opinion
confirmed.
 thereabouts, I had long conjectured.

eight guns, with their carriages, and twenty-four rounds of shot for each
 gun, twenty half-barrels of powder, a spare anchor, and various other articles
 were put on shore at Sydney Cove."

These guns were probably mounted in the first instance at the redoubt
 built on Dawes' Point. The one now at the lighthouse is the only one re-
 maining of the whole number put on shore. Four of them were sent down to
 South Head by Governor Macquarie soon after his arrival and previous to
 the erection of the old Macquarie lighthouse, to be used as signal guns.
 Some time afterwards three of the guns were in course of removal to Sydney
 in a boat, when it sank off Bradley's Head, and the guns were never
 recovered.

* Journal, p. 125.

1787-92 The existence of this strait was a subject of discussion in Cook's time, but we have seen that Furneaux reported against it, and his opinion apparently satisfied Cook. Hunter's observations during the voyage with the First Fleet seem to have led him to a different conclusion, in which he was confirmed on his subsequent voyage from the Cape of Good Hope. Referring to the run up the coast on the former occasion, Tench remarked :—

Previous observations.

The First Fleet off the coast.

Owing to the weather, which forebade any part of the ships engaging with the shore, we are unable to pronounce whether or not a straight intersects the continent thereabouts; though I have been informed by a naval friend that, when the fleet was off this part of the coast, a strong set off shore was plainly felt.

The naval friend was most probably Captain Hunter, whose skill as a navigator was shown throughout the passage. When "the long wished for shores of Van Diemen" appeared in sight, his passengers were surprised to find that he had predicted the hour at which land would be seen :—

We made the land at two o'clock in the afternoon [of the 7th January, 1788], the very hour we expected to see it from the lunar observations of Captain Hunter, whose accuracy as an astronomer and conduct as an officer had inspired us with equal gratitude and admiration.

Accurate observation.

Eleven months on the island.

After the wreck of the *Sirius* in March, 1790, at Norfolk Island, Hunter remained there in weary captivity with the officers and crew of the ship, to the number of eighty, for eleven months, no means being available for taking them to England. The *Supply* had been sent to Batavia in order that a Dutch ship might be chartered and laden with provisions for the settlement; and on her return she was again sent to Norfolk Island in order to bring away the shipwrecked crew.

A joyful release.

This information I received with joy, as our situation was now become exceedingly irksome; we had been upon this small island eleven months, and during a great part of that time, through various causes, had been oppressed by feelings more distressing than I can find words to express.

They left the island in February, 1791, and on reaching Sydney, Hunter learned that Phillip had made a contract with the master of the Dutch snow, then lying in the harbour, for the passage of the officers and crew to England—a piece of information which I did not by any means feel a pleasure in hearing; for, anxious as I was to reach England as soon as possible, I should with much patience rather have waited the arrival of an English ship, than embarked under the direction or at the disposal of a foreigner.

1787-92

Doubtful friends.

The mistrust of foreigners shown in this instance seems to have been a common feeling among English officers at the time. When King reached the Cape of Good Hope on his way to England in October, 1790, he declined a passage in a French frigate because he had heard rumours of a complication between England and Spain. This state of suspicion was more than justified by the cruel treatment which Flinders met with from the French, when he put in to the Mauritius in distress in 1803. King had cautioned him strongly before he sailed against going there.

National complications.

Hunter, however, was obliged to resign himself to his fate, and shortly afterwards sailed in the Dutchman for England *viâ* Batavia and the Cape of Good Hope, reaching his destination in April, 1792, after a voyage of nearly thirteen months. A letter which he addressed to the Lords of the Admiralty on his return, advocating the passage by Cape Horn on the homeward voyage, in preference to that by the Cape of Good Hope, or northward *viâ* Batavia, throws a curious light on the state of navigation at the time it was written.

A thirteen months' voyage to England.

In the curious group gathered together on the shores of Sydney Cove, there was but one man with whom Phillip was connected by old associations; and that was the second lieutenant of the *Sirius*, Philip Gidley King, who had sailed with him on a cruise to the East Indies in a frigate he commanded some six years before the First Fleet left the Channel. There was a difference of twenty years between them in point of age; Phillip being in his fiftieth and King

LIEUTENANT KING.

1787-92 in his thirtieth year when they stood under the British flag, drinking the health of King George and prosperity to the colony of New South Wales. A portrait of the young lieutenant, with a sketch of his previous career in the navy, was published in Phillip's *Voyage*—where he is described as “an officer much esteemed by Phillip as of great merit in his profession; and highly spoken of in his letters as a man whose perseverance in any service might be fully depended on.” So it proved. King's face in the portrait is clearly cut and intelligent, with an expression that enables us to understand Phillip's feeling towards him. The two men had formed a friendship on board the *Europe* which lasted throughout their lives. How strong and how enduring the tie that bound them may be seen in a letter written from Bath by King, with a trembling hand, seven days before his death in September, 1808, to his son, “dear Phillip,” so named after his old comrade:—

The first toast.

The two friends.

As this letter may probably reach you before you sail, I just write to say that I came here on Tuesday with Mr. Lethbridge, on his return to London, merely to see Admiral Phillip, whom I found much better than I possibly could expect from the reports I had heard, although he is quite a cripple, having lost the entire use of his right side; but his intellects are very good, and his spirits are what they always were.*

A last letter.

A last meeting.

This is the last glimpse we have of Phillip, after his return to England. He lingered on till 1814. The meeting between the two old ex-Governors at Bath, both in the last stage of weakness and decay, furnishes a touching proof of the affection which had so long existed between them.

Although King had entered the navy when he was only twelve years old, he managed to learn the French language sufficiently for conversational purposes; an accomplishment

* In a previous letter written from Tooting, in Surrey, in July, 1806, King wrote to his son:—“I was with Admiral Phillip a week; he is very much altered, having lost the entire use of his whole right side, arm, and leg; his intellect and spirits are as good as ever. He may linger on some years under his present infirmity, but, from his age, a great reprieve cannot be expected.”



Reproduced by Heliotype from "Phillip's Voyage," 1789.

Philip Gidley King

which proved useful when he paid a visit to La Pérouse at 1787-92 Botany Bay, and also when the French ships under Baudin anchored in Port Jackson while he was Governor of the colony. He has left an interesting account in his journal* of the visit to La Pérouse, to whom he was sent by Phillip in February, 1788, with offers of assistance. He was accompanied by Lieutenant Dawes, and the young officers were received with all the hospitality usual on such occasions. After they had dined on board the Boussole, La Pérouse and his officers went on shore with them—at the point which now bears his name—where, says King—

A visit to La Pérouse.

I found him quite established; he had thrown round his tents a stockade, which was guarded by two small guns, and in which they were setting up two long-boats, which he had in frame. After these boats were built, it was the intention of M. Peyrouse to go round New Ireland, through the Moluccas, and to pass to the Island of France by the Straights of Sunda.

L'homme propose,

The unhappy Frenchmen did not know then that a very different track had been marked out for their ships on the chart of destiny. After the party had gone through the stockade they went to the observatory, where they found the astronomer of the expedition at work in a tent; and as conversation naturally turned on scientific matters, the Frenchmen paid a well-merited compliment to Captain Cook, saying that at every place they had touched at and been near, they had found all his nautical and astronomical observations exact. La Pérouse added, with the epigrammatic point characteristic of French genius:—

Mais Dieu dispose.

Enfin, Monsieur Cook a tant fait qu'il ne m'a rien laissé à faire que d'admirer ses œuvres.

Tribute to Cæsar.

Finis coronat opus.

These are the last spoken words which history has preserved of the unfortunate Frenchman; and King did good service to his memory when he recorded them in his notes.†

Phillip lost no opportunity for promoting his friend's interests. It was at his instance, no doubt, that King was

* Hunter, p. 289.

† Post, p. 522.

1787-92 appointed to the *Sirius*; and one of the Governor's first official acts, after the proclamation of the colony, was to send him to Norfolk Island with a commission appointing him commandant—thus placing him in the direct path to promotion. The service was an important one, because it involved the establishment of a branch colony to which the elder one would have to look for assistance in the trying times that lay before it. One of the immediate objects in view was the dressing of the flax-plant, the Home Government having been led to believe that the Royal Navy would soon be supplied with better sail-cloth and cordage from Norfolk Island flax than from any other material then known. That expectation was never realised, although flax-dressing afterwards formed one of the principal industries on the island for some years. The plant grew there as luxuriantly as it did in New Zealand; but the art of manufacturing it was unknown until April, 1793, when two natives of New Zealand were seized and carried away from their homes for the purpose of being employed as teachers. They were restored to their own country in the following February, when, according to Collins (p. 346), they had completed the purpose for which they were taken, by giving such instructions in the process of preparing the flax-plant that, even with very bad materials, a few hands could manufacture thirty yards of good canvas in a week. They had not been kidnapped by King's orders; but, nevertheless, in order to satisfy himself that good faith was kept with them, he resolved to see them home; and having appointed a deputy to carry on the government during his absence from the island, he sailed with them to New Zealand—an act of humanity which, however, involved him in an unpleasant correspondence with Major Grose, then administering the government of New South Wales.

King sent to
Norfolk
Island.

Flax-
dressing.

Two Maoris
seized to
teach it.

Keeping
faith.

King's tenure of office under Phillip's commission lasted until March, 1790, when he was recalled for the purpose of being sent to England with despatches, "in order to give

such information to his Majesty's Ministers respecting the settlement I had established as could not be conveyed by letter." Probably there was another reason for this mission, the state of affairs at Sydney Cove being so desperate at that time that the necessity for bringing it home to the minds of Ministers by personal representations must have been strongly felt. King was accordingly discharged from the *Sirius* and placed in the position of an envoy, with the prospect of further promotion in addition to a trip home. During his two years' residence on the island, he had not spared himself in his efforts to cultivate the wilderness of pines and supple-jacks which he was expected to convert into a granary. His first garden was made in "a fine valley, in which a number of plantain or banana trees were found," to which he gave the name of Arthur's Vale in memory of his friend, whom he had already commemorated by naming Phillip Isle—an island off the coast—after him. The sort of country he had to operate on at that time may be judged from his description of it :—

1790

King sent to England.

Farming at Norfolk Island.

I took the first opportunity of examining the island around me, and found it almost impenetrable from the size of the trees and the entangled state of their roots, which were in general two feet above the ground, and ran along it to a considerable distance. On the spaces of ground unoccupied by these roots there grew a kind of supple-jack, which in general was as thick as a man's leg ; these supple-jacks ran up the trees, and as they grew in every direction they formed an impenetrable kind of network ; bending some trees to the ground and then taking root again, they twined round other trees in the same manner, until the whole became an impenetrable forest. As I had only twelve men (one of whom was seventy-two years of age, and another a boy of fifteen), exclusive of the mate and surgeon, my progress must be very slow.*

A virgin field.

When Cook landed on the island in October, 1774, he found the ground, for about two hundred yards from the shore, "covered so thick with shrubs and plants as hardly to be penetrated farther inland."

Cook at Norfolk Island.

* Hunter, p. 301.

1787-92

Sailor
farming.Difficulties
overcome.Successful
settlement.A church
bell.

King's work was evidently cut out for him when he was required to commence farming in country of that description, without any assistance in the shape of skilled labour. Having been at sea since he was twelve years of age, he could hardly tell the difference between one plant and another ; he did not even know the flax-plant when he saw it ;* while the men sent with him, unskilled as they were, were too few to enable him to make much progress in clearing and cultivating. But difficulties gradually gave way before his energy and perseverance ; so that when he left the island in March, 1790, he was in a position to describe the result of his farming operations with no little satisfaction, and to discourse on crops and soils as if he had been a farmer all his life. Thirty acres of public land were under cultivation when he left, while eighteen were covered with private gardens ; the population numbering four hundred and eighteen, exclusive of eighty men belonging to the *Sirius*. His management, therefore, had proved a success, and fully justified the confidence which Phillip placed in him.

But King had other work to do on the island besides studying seed-time and harvest. No chaplain had been sent with his little company, for there was none to send ; and consequently the duty of giving religious instruction fell upon him. Every Sunday morning at eleven the congregation were summoned to his cottage by the church-bell, " which was a man beating on the head of an empty cask " ; when every one was required by general orders to " come clean and orderly and behave themselves devoutly." He was a Justice of the Peace, too, as well as a minister of religion, and soon found himself called upon to exercise his magisterial functions. He was, in fact, a complete Court of Criminal and Civil Judicature in himself, although no commission had been issued to him for that purpose beyond his

* " The surgeon, in walking about the island, found out the flax-plant, which proved to be what we had hitherto called the iris ; not having any description of the plant, I had no idea of its being what Captain Cook called the flax-plant of New Zealand."—Hunter, p. 304.

appointment as a magistrate.* Collins says (p. 14) that he was "sworn in as a Justice of the Peace, taking the oaths necessary on the occasion, by which he was enabled to punish such petty offences as might be committed among his people, capital crimes being reserved for the cognisance of the Criminal Court of Judicature established here." But as almost all offences were capital crimes at that time, the distinction had very little meaning, except when a really serious case, such as murder, might occur. Soon after his arrival, for instance, King detected one of the marines in the act of stealing rum out of a small vessel in his (King's) tent, where it had been placed for safety. The offence was serious, and had it been committed at Sydney Cove, the case would have been tried before the Criminal Court, and would have resulted in a sentence of death. One of the most painful cases brought before it was that of a young convict who, availing himself, as Collins says (p. 32), of the opportunity that was given on the evening of his Majesty's birthday, when everyone was abroad looking at the bonfires, entered an officer's tent for the purpose of stealing, but was surprised and secured after a struggle in which the thief received a sword wound from the officer. A peculiar interest attaches to this case, arising from a pathetic letter written by, or rather for, the offender to his mother on the eve of his execution, and published by Trench.† There was no essential difference between that case and the one mentioned by King; but while one offender suffered death within twenty-four hours after his conviction, the other was much more mercifully dealt with. King might have reserved the

Adminis-
tration of
justice.

Stealing in
a dwelling.

A pathetic
letter.

* The Commission given to King was short and simple :—

By His Excellency Arthur Phillip, Esq., &c.

By virtue of the Power and Authority vested in me I do hereby constitute and appoint you, Philip Gidley King, Esq., Superintendent and Commandant of Norfolk Island and of the settlement to be made thereon :—

You are therefore carefully and diligently to discharge the duty of Superintendent and Commandant of the same, by performing all and every such instruction as you have or may hereafter from time to time receive from me, for the good of his Majesty's service.

Given under my hand and seal, this twelfth day of February, 1788.

† Narrative, p. 112; post, p. 525.

1790 case for trial at Sydney, as he did on a subsequent occasion; but instead of doing so, he assembled the people and ordered three dozen lashes to be inflicted on the offender in their presence, first "causing him to be led by a halter to the place of punishment"—probably to remind him of the penalty he had escaped. The flogging, however, did not produce the desired effect; for three days afterwards a convict boy was detected in the act of stealing the surgeon's allowance of rum in his tent. Here was another offence for which sentence of death would have been pronounced at head-quarters; but as the boy was only fifteen years old—he had been transported for seven years—King again dealt summarily with the case, ordering a hundred lashes, "which I hoped would have a good effect."

Summary jurisdiction.

Rum again.

The flogging system.

Unsuccessful conspiracy.

The boy of fifteen got a hundred lashes because three dozen had failed to make a good impression on the able-bodied marine. The logic of the sentence is not convincing at the present day; but it was evidently considered good reasoning at the time. The case deserves attention as an illustration of the theory and practice of the flogging system a century ago. King's views on the subject were those of a naval officer; he administered punishment in accordance with the practice on board his Majesty's ships. He certainly had not gained any experience in that form of discipline at Sydney Cove, which he had left before it was well established there. Nor is there any reason to believe that he was an unmerciful administrator of the law; on the contrary, his summary dealing with these cases showed that he had no desire to resort to extreme measures; while his action on the discovery of a conspiracy among the convicts to seize a ship and make prisoners of the guards, as well as himself, showed that he was not disposed to abuse his powers.* The only punishment he inflicted on that occasion was to put two of the ringleaders in irons, and deprive them of their garden ground; one of them being afterwards sent to Sydney for trial.

* Hunter, p. 346.

King sailed for England *viâ* Batavia a few days after his return to Sydney Cove in April, 1790, with despatches from Phillip. The narrative of his voyage might form a curious chapter in the history of navigation. The progress made in the art during the last century could not be better illustrated than it is in his experience on that occasion. The traveller now-a-days between Sydney and London has many different routes to choose from; each of them offering a variety of temptations in the shape of luxurious voyaging, with an economy of time that seems marvellous when compared with the eight or ten months usually occupied on the passage home a hundred years ago. But the only means of reaching England open to King was by way of Batavia; and when there he had to trust to chance for a ship to the Cape of Good Hope, and so on to England.

1790

Progress of navigation.

Sydney to Batavia.

Having succeeded in obtaining a passage from Batavia to England in a small packet belonging to the Dutch East India Company, he sailed in August; but he had not been five days at sea before the whole of the crew, captain included, with the exception of four men, were rendered unfit for work by an attack of putrid fever, caused by "the pestiferous air of Batavia." King was thus forced to take command of the ship and to navigate her with a crew of four men, while the rest, confined below, were rapidly becoming delirious; even the surgeon on board being so ill as to be incapable of rendering assistance. To prevent contagion, he put up a tent on deck for himself and his crew, whom he would not allow to go below. Under these circumstances, he saw that there was nothing to do but to bear up for the Isle of France, or Mauritius, where they arrived in a fortnight. During that time, seventeen of the crew died. On reaching Port Louis, a passage to France in a French frigate about to sail was offered to King, but having "heard of a misunderstanding between England and Spain," he thought it his duty to remain on board the Dutch vessel, notwithstanding the risk of fever.

Batavia to the Cape.

A dangerous crew.

French hospitality declined.

1790

Riou at the
Cape.

Having cleansed his ship and taken a fresh crew on board, he sailed for the Cape of Good Hope in September, and anchored in Table Bay after eighteen days at sea. There he found the unfortunate Lieutenant Riou, of H.M.S. Guardian—which had been wrecked by collision with an iceberg in December of the previous year—"waiting for orders from England." A two months' voyage from the Cape brought King to England on the 20th December—the passage from Port Jackson having taken over eight months.

King in
London.

Appointed
Lieutenant-
Governor.

On his arrival in London, King lost no time in delivering his despatches to the Home Office and the Admiralty. The journal he had kept at Norfolk Island was also handed in at the same time; and was subsequently, at the instance of Sir Joseph Banks, published in Captain Hunter's volume. During his interview with Evan Nepean at the Home Office, King was surprised and pleased to learn from him, for the first time, that a commission appointing him Lieutenant-Governor of Norfolk Island had been signed by his Majesty and sent to his agent to be forwarded to him. He had not then received an official letter written on the 1st February, 1790, by Lord Grenville—who had succeeded Sydney at the Home Office—in the following terms:—

I have laid before the King the representations made by Governor Phillip of your services since you have been employed under his command, and I have the satisfaction to acquaint you that his Majesty has, as a reward of those services, been pleased to sign a commission appointing you Lieutenant-Governor of Norfolk Island, to which appointment it is intended to propose in the next estimate laid before the House of Commons an annual allowance of two hundred and fifty pounds.

At the
Admiralty
and the
Home Office.

His position in the service and consequent prospects of promotion were thus assured, through the representations of his friend. The day after he left his despatches, he had an interview with the First Lord of the Admiralty, Lord Chatham, the Prime Minister's brother, who had succeeded Lord Howe; and on the following day he saw Lord Grenville, who had probably some misgivings as to the state

of affairs at Sydney Cove, owing to the wreck of the Guardian and the consequent loss of stores. Their lordships wished to get some authentic information on the subject, and had sent for King. The conversation which took place at the two interviews was fortunately noted down by him shortly afterwards, in the following words:—

On the 22nd December, 1790, I saw Lord Chatham, whose enquiries were first directed to the situation of the colony in New South Wales, and the prospects it afforded for maintaining the colonists. As my stay at Port Jackson was so very short, I could give his lordship no other information on that head than stating the actual situation of the colony for want of provisions and stores at the time I left it; and the great inconvenience that would be experienced by the loss of the Sirius. In answer to his lordship's questions respecting Norfolk Island, I gave him a detail nearly similar to that contained in my journal, that I had delivered to Mr. Stephens* the preceding day.

1790
Lord
Chatham.

Lord Chatham did not seem to take much interest in the prospects of the colony, beyond the pressing question of the hour.

Lord Grenville having desired to see me after I had been with Lord Chatham, I waited on him the next morning, the 23rd. After several general questions, to which I gave nearly the same answers as to my Lord Chatham, his lordship asked if I thought the colony would experience any total want of provisions before the probable time that the Neptune and other ships might arrive there? In answer to this question, I informed his lordship that when I left Port Jackson, the 21st April, 1790, the pork was calculated to last out till ye 26th August, the rice and flour until the 19th December, at the ration of 2 lb. of flour, 2 lb. of rice, and 2 lb. of pork each man for seven days; and supposing the ships were not more than ten weeks from the Cape of Good Hope to Port Jackson, they would arrive two months before the pork was expended; on which his lordship said he had little doubt that the colony was amply relieved by the Justinian, which sailed a single ship.

Lord
Grenville.

Ministerial
calculations.

This remark of his lordship's shows how easily Ministers managed to satisfy themselves about the position of the

* Under Secretary at the Admiralty.

1790 colony, notwithstanding the wreck of the *Guardian*. The *Justinian*, as Collins tells us (p. 119), narrowly escaped being wrecked on the coast of New South Wales; had that happened, the colonists might have been starved out before relief was brought by the arrival of the *Supply* from Batavia in September, 1790, followed by a Dutch vessel in December. The *Justinian* arrived in June, after a five months' voyage.

The Second Fleet.

A fortnight before her arrival, the *Lady Juliana* came in with female convicts; and shortly afterwards three other ships dropped anchor, filled with convicts in such a state of exhaustion from illness that four hundred and eighty-eight of them were placed in hospital as soon as they were landed. These ships formed the Second Fleet.

Settlers in the colony.

His lordship next asked if I thought the marines would be desirous of remaining in the colony as soldiers or settlers? I replied that I never had an opportunity of knowing their opinions or wishes on that subject, but that I had my doubts whether many of them would wish to remain when the relief took place. On his lordship asking the same question respecting the convicts, when their terms became expired, I said that I believed returning to England was what they in general looked forward to; but that I thought it probable, as the country advanced in resources and cultivation, that many might be induced to become settlers, and instanced the prospering state of one of that description who I had settled before I left Norfolk Island.

Marines and convicts.

No free settlers.

No question about free settlers; even the idea of sending them out had not yet assumed shape. The conversation ended with a friendly remark from his lordship, which naturally led King to put in a word or two for himself:—

Civilities.

His lordship then, with much politeness, expressed his unwillingness (as I was so lately arrived) to propose my immediate return to Norfolk Island. I assured his lordship I felt it both my inclination and duty to be in readiness to go whenever my services might be thought necessary; and after expressing the sense I had of the honour done me by his Majesty's appointing me Lieutenant-Governor of Norfolk Island, I took the liberty of saying that I hoped not to be thought presuming in soliciting the honour of obtaining a step in the navy. His lordship politely remarked

that he should be happy to see my wish gratified, but that promotion in the navy by no means rested with him. 1791

After a stay of nearly three months in England, King set out on his return to the seat of his government in H.M.S. *Gorgon*, commanded by Captain Parker—after whom his son Phillip Parker King was named. They sailed on the 15th March, and arrived in Port Jackson on the 21st September, 1791. The voyage was a pleasant one, judging from the account of it written by Captain Parker's widow and published in 1795. King had many reasons to enjoy the trip; he had not only his commission as a Lieutenant-Governor, but also another as a master and commander in the navy, having obtained the step for which he had asked Lord Grenville.* In addition to the commissions, he had a wife whom he had married during his stay in England. Mrs. Parker tells us of many little excursions on shore at Tenoriffe, Port Praya, and the Cape, enjoyed by the passengers of the *Gorgon*—amongst whom was Mr. Grimes, a surveyor, who was sent in 1802 by Governor King to survey Port Phillip. This lady's homely narrative gives us a sketch of social life in Sydney, at the time of her arrival, which seems to show the bright side of a picture too generally looked upon as without even a tint of colour. Let us take her sketch of "Sidney Cove" to begin with—the slopes of which, as she saw it, were still radiant with green, although the ground was very rocky; stately trees crowned the heights on either side; here and there a house or public building, surrounded by huts; red-coated soldiers on guard, with bayonets glistening in the sunlight, and gangs of labourers at work in all directions. Here is her account of what she saw on landing:—

When we went on shore, we were all admiration at the natural beauties raised by the hand of Providence without expence or toil: I mean the various flowery shrubs, natives of this country, that grow apparently from rock itself. The gentle ascents, the winding valleys, and the abundance of flowering shrubs, render the face of

King
returns to
the colony.

Enjoys his
trip.

Three good
reasons.

Social life
at Sydney
Cove.

A landscape.

* Post, p. 526.

1791 the country very delightful. The shrub which most attracted my attention was one which bears a white flower very much resembling our English hawthorn ; the smell of it is both sweet and fragrant, and perfumes the air around to a considerable distance.*

Phillip and
his visitors.

Dinner at
Government
House.

Parramatta.

The Gorgon being the first man-of-war that had entered the harbour since the foundation of the colony, her arrival formed an important event in its social history, and one that was no doubt particularly pleasing to Phillip and his officers. A lively exchange of hospitalities took place between Government House and the ship, at which many cherished memories of Old England were revived. The anniversary of his Majesty's accession to the throne occurring a few days afterwards, Phillip celebrated the occasion by a dinner which, as Collins tells us, "was served to upwards of fifty officers, a greater number than the colony had ever before seen assembled together." The guests of course included the naval officers in port. Then came a breakfast on board the Gorgon, at which "the conversation was very interesting ; the one party anxiously making inquiries after their relatives in England, and the other attentively listening to the troubles and anxieties" which had been endured by the colonists. "Governor King and his Lady," we are told, resided on shore at Governor Phillip's, "to whose house the visitors generally repaired after breakfasting on board," and from which parties were made for "several pleasant excursions up the Cove to the settlement called Parramatta." The trip up and down the river gave them an opportunity of seeing the various points of beauty in that branch of the harbour, which were fully appreciated. On reaching Parra-

* This passage bears a curious resemblance to one in Trench's Narrative, p. 118, on the same subject :—"The general face of the country is certainly pleasing, being diversified with gentle ascents and little winding vallies, covered for the most part with large spreading trees, which afford a succession of leaves in all seasons. In those places where trees are scarce, a variety of flowering shrubs abound, most of them entirely new to an European, and surpassing in beauty, fragrance, and number all I ever saw in an uncultivated state : among these, a tall shrub, bearing an elegant white flower which smells like English may, is particularly delightful, and perfumes the air around to a great distance." Mrs. Parker evidently had this description before her when writing her own.



THE GOVERNOR'S HOUSE AT ROSEHILL, JULY, 1700.
Cotton, vol. I, p. 155.

matta, Phillip took his friends to his house, described as 1791
 "a small convenient building placed upon a gentle ascent,
 and surrounded by about a couple of acres of garden
 ground; this spot is called Rose Hill."* Here the day
 was spent; and among the objects of interest that attracted
 attention was "the beautiful plumage of the birds in general,
 and of the emu in particular," two of which were met with
 in the woods. During the stay of the Gorgon in port, the
 excursions included visits to many of the little coves about
 the harbour, where they found oysters as well as scenery
 to dwell upon:—

Harbour
excursions.

Here we have feasted upon Oysters just taken out of the sea;
 the attention of our sailors, and their care in opening and placing
 them round their hats in lieu of plates, by no means diminished
 the satisfaction we had in eating them.

The ingenuity displayed in improvising plates out of their
 hats was creditable to the jack-tars of the Gorgon; but the
 oysters, alas! have gone, with the flowering shrubs and the
 birds of brilliant plume. From scenes like these it may be
 gathered that life in Sydney Cove, even in 1791, was not
 altogether without its charms for those who had oppor-
 tunities of enjoying it. Phillip was evidently fond of show-
 ing his visitors all the attractions of a new and beautiful
 country, and was probably not a little proud of his do-
 minions. "The fatherly attention of the good Governor
 upon all occasions" is specially noted by his guest, whose
 stay in Sydney was rendered "perfectly happy and com-
 comfortable" by his kindness, combined with "the friendly
 politeness of the officers." Good things were not altogether
 wanting at their tables at this time—a happy contrast with
 their sufferings of the previous year. Presents of eggs, milk,
 and vegetables were frequently sent on board the Gorgon by
 the military gentlemen on shore; kangaroo was considered

An attentive
host.

Delicacies of
the season.

* The "gentle ascent" was called "the Crescent" by Phillip, from its
 natural appearance. It formed the site of the Government House built by
 Governor Macquarie, which is still standing, and from which Lady Mary
 Fitz Roy set out on her fatal drive on the 7th December, 1847.

1791 a delicacy, and emu was said to taste like beef. Thus the month in port went pleasantly by ; and when at last, on the 26th October, “ Captain King and his Lady, with Captain and Mrs. Paterson, and several other military officers destined for Norfolk Island ” had gone on board the Atlantic, they were “ accompanied to the end of the Cove by the Governor, Judge-Advocate, Captain Parker, and many others, who were anxious to be in their company as long as possible.”

King's
departure.

MAJOR ROSS.

When Phillip determined to send King to England and to put Major Ross in his place at Norfolk Island, he accomplished two objects of some personal interest to himself ; he removed one man from a position which enabled him to prove obstructive, if not mischievous, and he did a considerable service to the other. The line of conduct adopted by the Major had rendered it difficult, if not impossible, to look for any cordial co-operation from him ; and the only means by which the strained relations that had grown up between them could be improved was by sending him to another field of exertion. The necessity for distributing the population at head-quarters, in consequence of the scarcity of provisions, afforded Phillip an opportunity for doing so. Ross was accordingly sent to Norfolk Island in the Sirius, with two companies of marines and some two hundred convicts, early in March, 1790. The ship had no sooner reached the island than she was wrecked on the reefs, but without any loss of life. This event gave rise to a singular display of authority on the part of Major Ross :—

Strained
relations.

Martial law.

The instant the ship struck, Lieutenant-Governor Ross ordered the drums to assemble all the marines and convicts : martial law was then proclaimed, and the people were told that if anyone killed any animal or fowl, or committed any robbery whatever, they would be instantly made a severe example of.*

In other words, they would be tried by a Court-martial and executed. This proceeding appears to have been the result

* King's Journal, in Hunter, p. 383.

of a sudden panic which had seized the Major. The wreck of the Sirius no doubt placed the people on the island in a difficult position ; their numbers had been largely increased by the new arrivals, while the imminent loss of the stores and provisions on board threatened them with starvation ; their lives at any rate would depend on rigid economy in the distribution of food. In this emergency, it occurred to the Major that, as there was no Court in the island empowered to inflict the penalty of death for stealing provisions, many men might be tempted to take advantage of the fact, and the public safety might be thereby endangered. The only remedy he could think of was to substitute military law for the civil, which practically meant taking the power of life and death into his own hands. Hunter and King, accepting him as an authority on the subject, allowed themselves to be persuaded that this was the proper thing to be done under the circumstances. The arguments by which he justified his course of action were recorded in King's journal at the time :—

1791

Reasons for proclaiming it.

Death for stealing provisions.

At ten in the morning of the next day, Lieutenant-Governor Ross, Captain Hunter, all the commissioned officers of marines and of the Sirius, and myself, assembled in the Government House, when the Lieutenant-Governor laid the situation of the island before the meeting, and pointed out the necessity of a law being made by which criminals might be punished with death for capital crimes, there being no law in force on the island that could notice capital offences : he also proposed the establishment of martial law until further orders, which was unanimously agreed to ; and that in all cases where sentence of death was pronounced, five persons out of seven should concur in opinion.

Meeting of the officers.

Ross's policy.

This proceeding is one of many illustrations met with in our early history of the marked propensity shown by military men for setting aside the magistrate, and assuming arbitrary power at a moment's notice. There was no precedent for the act ; nor was there any authority for it ; still less was there any justification. The only justification recognised by English law is necessity ; but that means a necessity demonstrated

Propensity of the military to set aside the civil power.

1791 by facts, not an imaginary one.* At the very least, Ross might have waited until his fears had been realised; and he might have waited in safety, seeing that he had an overpowering force of marines, to say nothing of the crew of the *Sirius*. Apart, moreover, from the absence of any justification for his proceeding connected with the existing state of affairs, there was the fact that the power to proclaim martial law did not rest with him, but with the Governor of the territory; the proclaiming of martial law being at all times a matter for the consideration of the Executive Government, and not of the military employed in enforcing it.† Although the Major held a dormant commission as Lieutenant-Governor, that did not invest him with supreme power at Norfolk Island while Phillip was at head-quarters. As a matter of fact, at the time he undertook to establish military law his position was simply that of Major of marines; King being still commandant of the island.‡ But although he was still commandant, and as a magistrate had power to enforce law and order, calling in the aid of the military if he found it necessary,§ Ross did not hesitate to supersede him in order to carry out his own ideas of “good government.”

Power to
proclaim
martial law

“Good go-
vernment.”

The manner in which he accomplished this purpose was characteristic. As soon as the wreck took place, he summoned a meeting of “all the commissioned officers of his Majesty’s navy and marines at this place, for establishing such rules and regulations as may be necessary for the good

* Nothing but the necessity arising from the absolute interruption of civil judicature by arms can warrant the exercise of what is called martial law.—Clode, *Military Forces of the Crown*, vol. ii, p. 496.

† The proclamation should be made by the Executive Government, as the representative of the Crown. The military officer who carries out the orders of the Crown to supersede all law by his own authority should not be concerned in it, but should be absolutely free from all responsibility as regards the proclamation itself.—Tovey, *Martial Law*, p. 89.

The declaration of martial law is the act of the Government, or other supreme authority. Its execution is directed by the commander of the forces.—Finlason, *Martial Law*, p. 73.

‡ On his arrival at the island, Major Ross “requested that I would continue the command until my departure.”—*King’s Journal*, p. 383.

§ Every magistrate has authority to command all subjects to assist him in the suppression of riot, and has also authority to call in military assistance when he thinks it necessary. In 1796, Lords Eldon and Redesdale

government of the settlement on the present occasion." 1790
 These gentlemen, who were termed a "council," were per-
 emptorily "required to meet the Lieutenant-Governor at Officers
 Government House" on the same day. When the Council summoned.
 was assembled, a series of resolutions, embodying the Major's
 ideas of good government, was drawn up and agreed to.
 The first declared that seven commissioned officers should
 comprise a General Court-martial; but that sentence of death Resolutions
 should not be passed in any case unless five members of the passed.
 Court concurred in the judgment.

By means of this resolution, Ross at once got rid of the
 difficulties in the way of holding a General Court-martial,
 which had proved insuperable at Sydney Cove. There it
 had been held that such a Court could not be constituted
 unless thirteen officers were present; and when that condi- Constitution
 tion was complied with, it was laid down by the marines that of Court-
 they could not act under any warrant unless it came from martial.
 the Lords Commissioners of the Admiralty. For that reason
 they declined to recognise the validity of a warrant issued
 by Phillip under the authority of his Majesty's commis-
 sion. The resolution, therefore, proposed to create a Court
 at Norfolk Island for the trial of offences with the same Unlimited
 jurisdiction as the Criminal Court at Sydney Cove, to be jurisdiction.
 convened by no better authority than a warrant under the
 hand of Major Ross. It is true that when martial law is
 proclaimed, the constitution of the Courts convened under
 it may be left to the discretion of the officer charged with
 the duty of enforcing it; and it is not absolutely necessary

stated, in a report to the Duke of Portland concerning the riots in the West
 of England:—"We apprehend that the civil magistrates have the same
 power to call for the assistance of the military, as they have to call for the
 assistance of others of his Majesty's subjects."—Tovey, *Martial Law*, p. 10.
 The Letters Patent constituting the Courts of Civil and Criminal Jurisdic-
 tion expressly declared that all justices of the peace in the colony should
 have "the same power to keep the peace, suppress and punish riots," &c.,
 as justices in England had; post, p. 536.

Lieutenant Cresswell, of the marines, who was sent with a detachment
 to Norfolk Island in June, 1789, after the discovery of the conspiracy to
 seize King, was sworn in as a Justice of the Peace for the island before
 his departure. There were consequently two magistrates there when martial
 law was proclaimed.

1790 that there should be any Court at all.* But that view of the matter holds good only where military law has been legally proclaimed by the proper authority, under circumstances which would be held to justify such an interruption of the ordinary course of justice.

A new code

Another resolution declared that "all marauding or plundering, whether of public or of private property, will be deemed capital crimes"; in other words, a charge of theft would be followed by sentence and execution. Thus the island was placed under military law in its strictest form; King's command was extinguished, and civil government on the island was at an end.†

The proceedings which took place on the occasion of the proclamation formed a pretty little scene for a melodrama :—

Dramatic
spectacle.

At eight o'clock in the morning, all persons on the island were assembled near the lower flag-staff, on which the Union was hoisted: the marines were drawn up in two lines, leaving a space in the centre, at the head of which was the Union. The colours of the detachment were then unfurled, and the Sirius's crew were drawn up on the right, and the convicts on the left, the officers being in the centre. The proclamation was then read, declaring that the island was to be governed by martial law until further orders: the Lieutenant-Governor next addressed the convicts, and after pointing out the situation of the settlement, he exhorted them to be honest, industrious, and obedient. This being concluded, the whole

Three cheers
for martial
law.

gave three cheers; and every person, beginning with the Lieutenant-Governor, passed under the Union flag, taking off their hats as they passed it in token of an oath to submit and be amenable to the martial law, which had then been declared.

* It is distinctly laid down that persons under martial law—that is, in case of mutiny or rebellion—may be summarily tried and convicted, without even the ordinary forms of military law, and with only such inquiry, whether by Court-martial or otherwise, as the circumstances admit of; and if by Court-martial, then by such evidence as can be obtained.—Finlason, *Martial Law*, p. 83.

† In the various cases in which martial law has been proclaimed in British colonies (collected in Tovey on *Martial Law*, p. 152) the act was justified by the outbreak of insurrection. The most notable instance of the kind occurred in Jamaica in 1865, when Governor Eyre proclaimed martial law in order to suppress riot and disorder among the negroes. One of the ring-leaders having been tried and executed by Court-martial, an indictment for

Major Ross remained in charge of the island until King's 1791 return in November, 1791, when the Major sailed for Sydney, and shortly afterwards for England. On his departure, his position as commanding officer of the forces was occupied by Major Grose, who arrived in the Pitt, transport, in February, 1792, the first detachment of the New South Wales Corps, of which he was major commandant, having reached the colony in June, 1790. Grose's career in the colony after Phillip had left it formed a singular parallel to that of his predecessor. Under his rule as Lieutenant-Governor, military power became supreme, the magistrate was suppressed, and the colony was governed in much the same fashion as a camp. Grose's commission as Lieutenant-Governor of the colony was publicly read "on the parade in front of the quarters," a month after his arrival; but he did not enter into office until the following December, when Phillip returned to England.

Major Grose.

Military power predominant.

The appointment of a captain of marines to such a post as that of Judge-Advocate at the foundation of the colony was a striking departure from the ordinary rules of the service. The office was a purely civil one; and in view of the fact that the Judge-Advocate presided over the administration of law in the settlement, the selection of a military man for the post can be explained only on the ground that it was intended to administer law in accordance with military rules and practice. Collins had no judicial experience to guide him in his new career. He had not acted as a

CAPTAIN COLLINS.

murder was presented against Governor Eyre in England, but the bill was thrown out by the Grand Jury. Another indictment was then laid against the commanding officer of the troops who had presided at the Court-martial, but the bill was thrown out. In the course of his charge to the Grand Jury Lord Chief Justice Cockburn said:—"No one, I think, who has the faintest idea of what the administration of justice involves, could deem the proceedings on this trial consistent with justice, or, to use a homely phrase, with that fair play which is the right of the commonest criminal. All I can say is, that if on martial law being proclaimed a man can lawfully thus be tried, condemned, and sacrificed, such a state of things is a scandal and reproach to the institutions of this great and free country. I enter my solemn and emphatic protest against the lives of men being thus dealt with in time to come."

- 1788-96** Judge-Advocate in any of the military tribunals in England; but he had no doubt seen many trials by Court-martial during his time of active service in the navy. He held his appointment at Sydney Cove until 1796, when he returned to England; and after waiting some six or seven years for the promotion he had earned by his services and sufferings in the colony, he was appointed in 1803 Lieutenant-Governor of the projected settlement on the shores of Port Phillip—which he turned into a settlement on the shores of the Derwent. In addition to his judicial duties, he acted as secretary to Governor Phillip for some time after their arrival, and was consequently brought into frequent and familiar contact with him. The position he thus occupied peculiarly fitted him for another and more important office which he conferred upon himself—that of the annalist of the colony; a capacity in which he did great service to the colonists as well as to the Home Government. Although he confined his attention too exclusively to the mere occurrences of the day—a process which resulted in giving his work the character of an almanac, or rather a calendar—the narrative itself is a faithful record of the events connected with the foundation and early years of the settlement, and entitles its author to the grateful remembrance of his readers. The painful duties he was so frequently called upon to discharge as Judge-Advocate had no doubt coloured his impressions of surrounding circumstances, and gave the gloomy character to his chronicle which makes itself so forcibly felt in the present day. Writing day by day as if he had the fatal black cap on his head, he could hardly avoid giving prominence to the dismal scenes in which he was so often compelled to take part.
- Judge-Advocate.**
- Governor's Secretary.**
- His annals.**
- His duties.**

His character. His own character has been described by those who knew him as essentially humane; he was more than merciful in his administration of the government at Hobart Town. To a man of cultivated mind as well as kindly feeling, the frequent discharge of such judicial duties as fell to his lot must have been trying at the least; and it may readily

be believed that his influence with the Governor was not seldom exercised for the purpose of tempering justice with mercy. Perhaps nothing could more forcibly illustrate the prevalent opinion with respect to the criminal code then in force than the fact that, although it was administered by a man whose personal sympathies must in many cases have revolted against its extreme severity, he had not a word to say in condemnation of it, the inference being that it did not present itself to his mind as more severe than it should be. On that point the Judge-Advocate probably held the same opinion as the Judges in England, who were so much in the habit of passing sentence of death for trifling offences at the Criminal Assizes, that they learned to look upon such sentences as absolutely necessary for the protection of society.* Every sentence of death or flogging imposed by the Criminal Court for the first eight years of its existence was pronounced by Collins; and in many of those cases he knew, and recorded the fact, that the crime for which punishment was exacted had been committed under the pressure of starvation.† The terrible penalties demanded by the law for such offences—in some cases death, in others many hundreds of lashes—seem so inhuman at the present day that the men who administered the law are too often held responsible for its severity. But they were no more accountable for it than the man who guides a steam-engine can be held to answer for its movement. His position as

1788-96

The criminal law.

Judicial opinion of it.

Hunger and theft.

* Sir Samuel Romilly relates that when he introduced a bill, in 1808, to repeal the Act of Elizabeth which made it a capital offence to steal privately from the person of another, the reform met with determined opposition from many eminent lawyers. Burton, a Welsh Judge, objected to it because it proposed to leave the offence mere larceny, punishable with only seven years transportation. He thought the punishment should be transportation for life; and said that unless that alteration were made in the bill, he would vote against it. Lord Ellenborough was of the same opinion.

† "Their universal plea was hunger; but it was a plea that, in the then situation of the colony, could not be so much attended to as it certainly would have been in a country of greater plenty"; p. 210. While thefts were common at Sydney Cove, "at Rose Hill the convicts conducted themselves with much greater propriety; not a theft nor any act of ill-behaviour having been for some time past heard of among them." To which he added, in a foot-note—"they had vegetables in great abundance"; p. 112.

1788-96 Judge-Advocate made Collins the mouthpiece of the law, but it gave him no control over it; he had no alternative but to pronounce judgment and sentence according to its letter. He had no discretionary power whatever.

Public
safety.

During the greater part of Phillip's time, the chief question he had to deal with was the supply and distribution of food. The very existence of the colony depended almost entirely on the arrival of ships from England with provisions; and when the ships did not arrive at the expected time, death from famine could only be averted by the most rigid regulations with respect to the allowance of food. To protect the public store against depredation became a matter of urgent necessity; and the only means of protecting—according to the ideas then in vogue*—was to increase the punishment for theft, although it frequently happened that the offenders, from want of sufficient food, were admittedly “too weak” to endure punishment at all. A terrible illustration of this dilemma may be seen in Collins's book. After recording the death of a man who had dropped down dead at the store to which he had gone for his day's provisions—the cause of death being sheer starvation—Collins proceeds to state that the Criminal Court, when assembled to deal with a prisoner who had been caught in the act of stealing potatoes in the clergyman's garden, “finding that the severity of former Courts did not prevent the commission of the same offence,” varied the ordinary punishment by directing that the prisoner before them should receive three hundred lashes, lose his ration of flour for six

Death from
starvation.

* Tench, referring to the extreme distress prevalent in May, 1790, described the measures adopted to suppress theft of provisions as follows:—“Persons detected in robbing gardens or pilfering provisions were never screened: because as every man could possess by his utmost exertions but a bare sufficiency to preserve life, he who deprived his neighbour of that little drove him to desperation. No new laws for the punishment of theft were enacted; but persons of all descriptions were publicly warned that the severest penalties which the existing law would authorise would be inflicted on offenders. Farther, to contribute to the detection of villainy, a proclamation, offering a reward of 60 lb. of flour, more tempting than the ore of Peru or Potosi, was promised to anyone who should apprehend and bring to justice a robber of garden ground.”—Complete Account, p. 43.

months, and be chained for that time to two other delinquents of the same class.* The effect of this sentence may be estimated from the fact that "the Governor remitted, after some days' trial, that part of it which respected the prisoner's ration of flour, without which he could not long have existed." This case is chronicled by Collins without any expression of opinion tending to show that it was regarded as unmerciful; the salient feature in the case was, apparently, that the potatoes were in danger. But in justice to his memory it should not be forgotten that, at that time, the protection of the stores was undoubtedly a matter of life and death to the community. Nor was he singular in his opinion, when compared with the legislators and moralists of the age.

1788-96

Potatoes.
at stake.

The peculiar circumstances of the time led to a singular distortion of views with respect to the moral nature of the offences brought before the Court. While the heaviest punishment that could be inflicted was unsparingly dealt out to those who ran off with their neighbours' vegetables or helped themselves to the contents of the public store, much more serious violations of the moral code were looked upon as comparatively venial. Collins, for instance, states that a soldier who was condemned to death in July, 1789, for a criminal assault on a child eight years of age, was recommended to mercy and pardoned by the Governor, "on condition of his residing, during the term of his natural life, at Norfolk Island."† At that time, residing at Norfolk Island was practically no punishment, because there was a better supply of fresh provisions there than there was at Sydney Cove. Whether that was so or not, the mercy extended to the offender contrasts strangely with the hard measure dealt out to others. In March of the same year, "six marines, the flower of our battalion, were hanged by the public executioner on the sentence of a Criminal Court, composed entirely of their own officers, for having at various

Distorted
views of
crime.Pardon
for rape,but none
for theft.

* Account of the Colony, pp. 110, 111.

† *Ib.*, p. 80.

1788-96 times robbed the public stores of flour, meat, spirits, tobacco, and many other articles."* There was no recommendation to mercy in that case, although it was known that the men had been tempted to commit the offence by the scarcity of provisions, and the opportunity placed in their way. That the extreme penalty of the law should be rigorously exacted for the commission of petty thefts which now-a-days would entail nothing more than a term of imprisonment, while a criminal assault on a child should meet with so much merciful consideration, seems an absurd inversion of all recognised principles in the administration of justice. The only justification that can be found for it lies in the critical condition of the community at that time, which created a feeling of alarm for the public safety rapidly developing into panic. Many analogies, however, might be found in the history of much older and wiser communities than that of Sydney Cove in the last century ; for the influence of panic may be frequently traced in the legislation of the present day, as well as in the administration of justice.

Occasio facit furem.

Inversion of principles.

Result of panic.

* Trench, Complete Account, p. 17 ; Collins, p. 59.

THE COURTS OF LAW.

THE Letters Patent by which the Courts of Law were established in the colony, under the authority of the Act of Parliament passed in 1787, created a system of judicature of a wholly novel description. Three Courts were thus instituted: a Court of Civil Jurisdiction, composed of the Judge-Advocate and two persons appointed by the Governor; a Court of Criminal Jurisdiction, composed of the Judge-Advocate and six officers, naval or military; and a Court of Vice-Admiralty, composed of seven Commissioners selected from the civil service as well as the naval and military. The jurisdiction conferred upon each of these tribunals was practically unlimited.

An original system.

The Civil Court was empowered to hear and determine, in a summary way, actions relating to lands and houses, actions of debt and contract, actions of trespass, "and all manner of other personal pleas whatsoever." No limit was placed to the pecuniary amount involved, and no exception was made as to any special class of actions; nor was any distinction recognised between Common Law and Equity. The process was simple. On a complaint in writing made by the plaintiff, the Judge-Advocate issued a warrant under his hand and seal directed to the Provost-Marshal, stating the substance of the complaint, and requiring him to summon the defendant to appear. If the amount in dispute exceeded £10, the officer was directed to bring the defendant personally into Court or take bail for his appearance; the defendant being further required to find security for the satisfaction of any judgment that might be given against him.

The Civil Court.

Procedure.

Practice.

The parties being before the Court, the first stage in the proceedings was to swear its members. The Judge-Advocate administered an oath to each of the officers that he would "well and truly try the several issues brought before him, and give true judgment according to the evidence." The officers having been duly sworn, one of them then administered the same oath to the Judge-Advocate, and the business proceeded. Witnesses on either side—parties

Witnesses.

to the cause were not then competent witnesses in English Courts—were duly sworn and examined, their evidence taken in writing and signed by them. The Court then gave judgment "according to justice and right"; the judgment being followed by a warrant of execution, if necessary, against the defendant's goods and chattels. Where there was no sufficient distress, the defendant could be imprisoned until the debt and costs were satisfied. But in that case, if the defendant made oath that he had no means of maintaining himself in prison, the complainant had to provide maintenance for him according to the order of the Court; and if the amount was not paid for one week, the debtor was discharged, such discharge from prison being also a discharge from the debt. If, on the other hand, the defendant gained the case, he had similar remedies for the recovery of costs.

Imprisonment for debt.**Appeal.**

Either party who might find himself aggrieved by the judgment had a right of appeal to the Governor, who was empowered to issue the necessary process. Where the amount involved exceeded £300, the unsuccessful appellant might go to a higher tribunal, by appeal to the Privy Council. But no appeal could lie unless proceedings for the purpose were taken within eight days from the date of the judgment of the Judge-Advocate's Court, or fourteen days from that of the Governor's. Having regard to the state of the colony, the provisions for appeal were extremely liberal.

The Criminal Court.

The Court of Criminal Jurisdiction—which also exercised unlimited powers—was convened by a precept or warrant issued by the Governor under his hand and seal at any time

he might think proper. There were no regular or appointed times for its sitting during the early years of the settlement; it met whenever it was summoned in the manner mentioned. The procedure at the trial was short and simple. The charge against the prisoner, which was required to be "reduced Procedure. into writing and exhibited by our Judge-Advocate," was not a formal indictment drawn up with technical accuracy according to precedent, but a plain statement of the offence committed. There was no room for technicalities of any kind in the practice of the Court; there were no lawyers in the colony to take technical objections; nor were prisoners in those days allowed to have counsel on their trial, even in England. The first Judge-Advocate was a military man and not a lawyer; he was not even supposed to have any knowledge of law or of legal forms.

The Court being assembled, its members—each of whom Judge and jury. was in full military dress—were sworn to "make true deliverance between his Majesty the King and the prisoner brought before them, and to give true judgment according to the evidence." The Judge-Advocate presided and regulated the procedure; but although he was a judge he was also a jurymen, having a vote in the deliberations of the jury. In this as well as in other respects, the constitution of the Court differed materially from that of a Court of Justice in England, where juries were supposed to be sternly guarded against undue judicial influence, and the judge could address the jury only in open Court.

When the prisoner was brought before his judges, the Practice. charge was read over to him, and he was called upon to plead. Witnesses were then examined for the Crown. The prosecution was not conducted by the Judge-Advocate, according to the practice of Courts-martial in England, but was left in the hands of the person who had made the charge.* The prisoner was left to conduct his defence in like manner. At the conclusion of the case, the Court was

* Tench, Narrative, p. 70.

Judgment
and
sentence.

cleared, the Judge-Advocate and the officers deliberated over their verdict, and as soon as they had made up their minds about it, the doors were thrown open again and sentence was pronounced in public. In cases not involving the punishment of death, a verdict of the majority was sufficient; but where the charge was capital—and nearly every criminal charge was capital in those days—the concurrence of five members of the Court was necessary before the sentence could be carried out. Where less than five concurred, the proceedings had to be sent to the Home Government for their consideration. The Governor's warrant was a necessary preliminary to an execution; but he was empowered by his commission to grant a pardon in any case, "treason and wilful murder only excepted," and also, on extraordinary occasions, to reprieve a prisoner until final instructions were received from England.*

Punish-
ment.

No gaol.

Exile.

The Court was expressly limited to two forms of punishment—in capital cases death or flogging, and in others, flogging only. No sentence of imprisonment instead of the lash could be passed, nor was there power to impose a fine. A power to impose fines would have been useless in the early days of the settlement, because the prisoners would not have had the means of paying them; and for a similar reason, terms of imprisonment could not be well imposed, seeing that there was no gaol in which the time could be served. To meet the latter difficulty, prisoners were frequently sent for punishment to the islands in the harbour, and subsequently to Norfolk Island. That course was adopted by Phillip in many instances, and would probably have been adopted in many more, if he had had the necessary authority and the means to enforce his own views on the subject; exile to an island being, from the first, his ideal form of penal discipline.

* Phillip's commission did not give him any power to remit any part of the term of transportation for which offenders had been sent out to the colony; but a power to that effect was given by a subsequent commission, dated 8 November, 1791; post, p. 542.

While the Criminal Court was evidently formed on the basis of the Court-martial in England, it was essentially different both in its constitution and its practice. The first and most important point in which this difference appears is the position of the Judge-Advocate. In England, that office was held by a lawyer whose duty it was, not to preside as a judge, but to conduct the case and to advise the Court on legal points, especially points of evidence. The strictly judicial duties were discharged by the President of the Court; but as the person appointed to that office was usually a military man, he was not professionally qualified to deal with legal questions. Trial by Court-martial, in England, was substantially conducted according to the rules of the common law; and consequently it was necessary that the Court should be properly advised on such matters of law as might arise before it. That was the province of the Judge-Advocate. He had no voice or vote so far as the judgment of the Court was concerned, either on the main question or on interlocutory points; he could only advise. Besides acting as prosecutor for the Crown, he was also supposed to assist the prisoner in his defence, in the same manner that judges in the ordinary Criminal Courts are said to be of counsel for him. By this means a fair trial was ensured for the prisoner; so far at any rate that no advantage was taken of him in the examination of witnesses or in the discussion of legal questions.*

The Judge-Advocate in England.

A lawyer, but not a judge or a jurymen.

The Judge-Advocate of the Court created by the Letters Patent of 1787 bore very little resemblance to the Judge-Advocate of the English Courts. The first person appointed to the office being a captain of marines, he was not in a position to discharge the duties of a legal adviser. The Court was consequently under the necessity of administering

The Judge-Advocate in the colony.

Not a lawyer,

* Tytler, p. 349. The report of the trial of Lieutenant-Colonel Johnston, for mutiny in arresting and deposing Governor Bligh, held before a General Court-martial in 1811, furnishes a good illustration of the practice in those Courts. The Court was composed of fifteen military officers; Lieutenant-General Keppel being President, and the Right Honorable Charles Manners Sutton the Judge-Advocate.

but a judge
and a jury-
man.

Judge,
prosecutor,
and
juryman.

The
Criminal
Court.

the law without any legal advice whatever. Being expressly required by the Letters Patent to act "according to the laws of England," some knowledge of those laws was evidently presumed; but it is not easy to understand how a Court composed exclusively of military and naval officers could be expected to administer such an intricate system of jurisprudence as "the laws of England."* The ordinary Court-martial was properly composed of such materials, because the offences tried before it were simply breaches of military discipline, the punishment for which was regulated by military law. But here the Court was empowered to deal with the whole range of the criminal law, including both common and statute law; and the trials, moreover, were conducted by a judge who was required to act as a prosecutor and a juryman at the same time. Collins was satisfied that "when the state of the colony and the nature of its inhabitants are considered, it must be agreed that the administration of public justice could not have been placed with so much propriety in any other hands."† No doubt it would have been a matter of some difficulty to establish, at the foundation of a colony, a Court of Justice strictly modelled according to English precedent. A jury of twelve men, free from all Crown influence, presided over by a judge learned in the law and equally independent of the Crown, forms the essential feature of an English Court of Justice; but such a jury could not have been got together in the early years of the colony, seeing that there were no free settlers at that period. That was one of the unfortunate results of the system on which the colony was founded. Every person charged with an offence was brought before a tribunal, the judge of which knew nothing of law, while he was not only a judge but a juryman; the other members of the Court being officers in the pay of the Crown, whose notions of justice were derived from their knowledge of Courts-martial. "He is brought before a Court," says Collins, "composed of a judge and six men of honour, who

* Post, p. 535.

† Account of the Colony, p. 12.

hear the evidence both for and against him, and determine whether the crime exhibited be or be not made out." To hear evidence is one thing, and to weigh it is another; and unless the evidence taken before the Judge-Advocate's Court was carefully weighed in every instance according to law, how could he be satisfied that the crime was made out in any case?

Weighing
evidence.

But the weighing of evidence is a branch of mental analysis for which the usual training of soldiers and sailors furnishes no qualifications. The danger, to which Courts-martial are peculiarly liable, of arriving at wrong conclusions at the trial of criminal charges, was painfully illustrated in a case mentioned by Sir Samuel Romilly. A sailor was tried by Court-martial in October, 1806, on a charge of mutiny, alleged to have been committed by him nine years previously, when he was a boy of sixteen. There was only one witness for the prosecution, who swore positively that he had seen the prisoner taking an active part in the mutiny; but at the same time he admitted that he had not seen the accused since that time. The latter read a written statement in defence, in which he begged for mercy on account of his youth. He was sentenced to be hanged, and was executed accordingly ten days after the trial. The case subsequently came before the Attorney-General and Romilly, then Solicitor-General; and from inquiries which they instituted, it was clearly proved that the man was innocent. "He had applied to another man to write a defence for him; and he had read it, thinking it calculated to excite compassion, and more likely to save him than a mere denial of the fact."*

Cedant
arma togæ.

Hanged by
mistake.

* *Memoirs of Sir Samuel Romilly*, vol. ii, p. 182.

CRIME AND PUNISHMENT IN THE EIGHTEENTH CENTURY.

To understand the principles on which the criminal laws were administered by the Judge-Advocate's Court during the early years of the colony, it is necessary to recollect what those laws were in England throughout the same period. The progress of reform during the present century has brought about so many and such radical changes in the administration of justice, that we are apt to look back upon the proceedings of the Judge-Advocate's Court as if they formed an abnormal and unsightly excrescence on the fair body of English jurisprudence. Apart from the summary method in which the business of the Court was transacted, the want of all proportion between crime and its punishment seems in most cases to have been so excessive, that the severity of the law is usually attributed to the personal disposition of those who administered it. They have been regarded as the originators of a system under which all notions of justice and humanity were carefully excluded from view when an offender was brought up for trial; as if the infliction of some brutal punishment for its own sake was the sole aim and end of their proceedings. The cruel tortures of the lash are supposed to have been recklessly inflicted, and the hangman's rope to have been brought into requisition with almost as little scruple as the dreaded scourge.

Prevalent
misconcep-
tion.

The fact is, however, that the founders of the colony were hardly more responsible for the severity of the law than they were for the conditions of the atmosphere they had to breathe. The criminal laws which they brought

with them from England had been put on board their ships, so to speak, like the salt pork and the weevilly flour; and they had to make the best of them. Bad as they were, they were still the laws of England, and the punishments which they entailed on offenders were not—as they often appear to be—the inventions of malignant gaolers, but the deliberate judgment of the Legislature. Long after Phillip had retired from the scene of his struggles, the laws which imposed the terrible sentences then in vogue remained in force in England. It was a capital offence, for instance, to pick a pocket—technically called “stealing privately from the person”; a capital offence to steal privately in a shop goods to the value of five shillings; to steal goods to the amount of forty shillings in a dwelling-house or on a navigable river; to steal linen from a bleaching-ground; to break and enter a dwelling-house; to steal a letter; to steal a horse, an ox, or a sheep; to be found begging, if a soldier or a sailor; to return to England after having been transported, if the term had not expired; to destroy any tree, plant, or shrub in a garden; to hunt any deer unlawfully; to appear armed, or with the face blacked or otherwise disguised, in any forest, warren, or place where hares or rabbits were usually kept, or on any high road, open heath, or common. The great number of offences of this description which had been declared to be capital felonies seems to have astonished even Blackstone, who loved to extol the humanity of the laws of England. He pointed out in 1769 that “among the variety of actions which men are daily liable to commit, no less than one hundred and sixty have been declared by Act of Parliament to be felonies without benefit of clergy.”*

English
criminal law
imported.

Capital
offences.

Blackstone.

* Commentaries, 2nd ed., vol. iv, p. 18; post, p. 545. The class of offenders usually executed at Tyburn may be gathered from the following:—“Yesterday morning, about nine o’clock, the following malefactors were brought out of Newgate and carried to Tyburn in three carts, where they were executed according to their sentences, viz.:—Henry Berthand, for feloniously personating one Mark Groves, the proprietor of £100 three per cent. annuities, and transferring the same as if he was the real owner thereof; William Jones, for stealing in a warehouse, in Aldersgate-street,

Scenes in
England.

To realise the state of mind in which Phillip looked at the question of crime and punishment, we have only to picture to ourselves the scenes with which he had become familiar during his career in England, before he took command of the Expedition. From 1755, when he entered the navy, to 1787, when he sailed with the First Fleet, the criminal system of the last century may be said to have been in full bloom; and although most of Phillip's time was passed at sea, his visits to England, to say nothing of his residence in the New Forest as a country gentleman, gave him opportunities enough for seeing those peculiar spectacles which justified Charles Knight in describing London at that time as "the City of the Gallows." In going up the Thames, for instance, the traveller would probably see the gibbet standing on its banks, with the remains of mutineers, or persons who had committed murder on the high seas, hanging from them in chains.* One of the docks in London was called Execution Dock, because criminals of that class were usually condemned to suffer there. After they had been hanged, their bodies were cut down and

Gibbets on
the Thames.

Execution
Dock.

a deal box containing a quantity of haberdashery goods; Peter Verrier, accomplice with Charles Kelly, executed for burglary in the house of Mrs. Pollard, in Great Queen-street; William Odern, for robbing two women in Spawfields; Charles Woollett, for robbing Bernard John Cheale, on the highway, of a metal watch; John Graham, for feloniously altering the principal sum of a bank note of £15, so as to make the same appear to be a bank note of £50, with intent to defraud; Charlotte Goodall and John Edmonds, for stealing in the dwelling-house of Mrs. Fortesque, at Tottenham, where she lived as servant, a great quantity of plate, linen, &c.; Thomas Cladenboul, for assaulting Robert Chilton on the highway and robbing him of a gold watch; John Weatherley and John Lafee, for feloniously and treasonably coining and counterfeiting the silver moneys of the realm called shillings and sixpences. They all behaved very penitent."—London Evening Post, 9 October, 1782.

* Andrews, Eighteenth Century, p. 269; Hogarth, The Idle 'Prentice sent to Sea. The practice of hanging in chains was not confined to cases of piracy or mutiny; the bodies of murderers and highwaymen were usually hung in that manner. A murderer was hanged in chains on Rock Island in 1796; Collins, vol. ii, p. 10. The practice of hanging in chains had fallen into disuse in England by 1832; but an attempt was made to revive it at that date, when the Act for dispensing with the dissection of criminals was passed. A clause was inserted to the effect that the bodies of all prisoners convicted of murder should either be hung in chains, or buried under the gallows on which they had been executed, according to the discretion of the Court.

removed to the gibbets on the banks of the Thames, where they were left to hang in chains. If he entered London by Oxford-street, Tyburn tree would certainly attract his attention, especially when ten or twelve criminals were about to suffer in the presence of a crowd of people gathered round it, indulging themselves in the sports and pastimes usual on such occasions.* If he passed over any of the heaths, commons, or forests which then surrounded London—say Blackheath, Wimbledon, or Finchley Common—a gibbet with a highwayman hanging in chains would probably form a conspicuous feature of the landscape. Even in the crowded streets of the city, he might have seen the gallows standing with its dreadful pendant.† In 1786, a scaffold was erected opposite a house in Charlotte-street, Rathbone Place, formerly inhabited by an attorney who had been murdered in it. The murderer was hanged in front of it, according to the prevalent custom of inflicting punishment on the spot where the crime had been committed. Seven years afterwards, a burglar was ordered for execution in Hatton Garden, near the house he had robbed; but having escaped execution by suicide, his body was exhibited in the neighbourhood, “extended upon a plank on the top of an open cart, in his clothes and fettered.”‡ This, perhaps the most loathsome practice of the time, continued for many years afterwards. A similar case occurred in 1811, when the cart containing the suicide’s body was preceded by a long procession composed of constables who cleared the way with their staves, a newly organised horse patrol with drawn swords, parish and peace officers, and the high constable of the county of Middlesex on horseback.§ After the Lord George Gordon riots of 1780, the gallows was carried about from street to street

Tyburn tree.

Highwaymen in chains.

The scaffold in the streets.

Processions with dead bodies.

Portable gallows.

* Hogarth, *The Idle Prentice* executed at Tyburn.

† “All the gibbets in the Edgeware Road, on which many malefactors were hung in chains, were cut down by persons unknown.”—*Annual Register*, 3 April, 1763.

‡ Griffiths, *Chronicles of Newgate* (1884), vol. ii, pp. 232–3.

§ *Ib.*, vol. ii, p. 267.

of the city, and the condemned men were hanged on the spot pointed out by the witnesses as the scene of their outrages.

Executions
in England.

During the year in which Phillip sailed with the First Fleet, the number of persons executed in England was one hundred and one; crime at that time having apparently risen to its highest level. In the twelve years between 1771 and 1783, no less than four hundred and sixty-seven persons were hanged in London and Middlesex—an average of rather less than forty per annum. During the twenty-three years from 1749 to 1772, the number of persons condemned to death at the Old Bailey was one thousand one hundred and twenty-one, of whom six hundred and seventy-eight suffered death—a yearly average of less than thirty.*

Statistics.

These figures relate to London only; they do not include the cases in the country towns to which the judges went on circuit at the Assizes. Executions were, comparatively, almost as common in the country as they were in the metropolis. The Lent Assizes of 1785 were followed by nine at Kingston, nine at Lincoln, and nine at Gloucester, seven at Warwick, six at Exeter, six at Winchester, and six at Salisbury, five at Shrewsbury, and so on all over the country. The total number of capital sentences in England for that year was two hundred and forty-two, out of which there were one hundred and three executions.†

Executions
in London.

London itself stood without a rival among all the capital cities of Europe in its display of public executions, just as it did in the abominations of prison life. The contrast

* Howard, *State of the Prisons*, 4th ed., 1792, pp. 482-4.

† Griffiths, vol. ii, p. 3. The number of executions in England during the present century decreased from year to year, notwithstanding the rapid increase of population. Mulhall's *Dictionary of Statistics* gives the number executed in England and Wales from 1801 to 1820 at one thousand six hundred and ninety-seven, or eighty-five per annum; between 1821 and 1830, the number was six hundred and seventy-two, or sixty-seven per annum; and between 1831 and 1850, the number was three hundred and sixty-five, or eighteen per annum; the total number for the half-century being two thousand seven hundred and thirty-four. The population of England had increased from 8,800,000 in 1801 to 18,000,000 in 1851. The population in 1780 was 8,000,000.

between the criminal laws of England and those of other countries in Europe may be seen in the facts mentioned by Howard. When in Amsterdam on his tour of inquiry among the prisons of Europe, he found that during the eight years before his arrival there in 1783, only five criminals had been executed out of a population of two hundred and fifty thousand—about one-third of that of London.* In all the seven provinces which constituted the Dutch Republic, there were seldom more than five or six executions in the course of a year. These statistics are quite enough to justify Sir James FitzStephen's statement that the English people during the last century were, as a rule, "singularly reckless about taking human life."† Many allusions to this peculiar characteristic of the nation might be quoted from the literature of the last century. Sheridan illustrated it with his usual point when he asked, during the debate on a bill making it capital to destroy any tree, shrub, or plant in a garden—"was it under the pretence of protecting nursery grounds that they proposed to make it felony in a schoolboy to rob an orchard, or was it

Executions
in Amster-
dam.

Reckless-
ness in
taking life.

* State of the Prisons, p. 56.

† History of the Criminal Law, vol. i, p. 478. The recklessness was shown not only in the multitude of cases in which life was taken, but in the manner of taking it. By an Act passed in 1752, for instance, murderers were allowed but one clear day to prepare for death; and after execution their bodies were handed over to the surgeon for anatomical practice. The frequency of executions may be gathered from the following :—

John Townshend, a Bow-street officer examined before a Committee of the House of Commons in 1816, relates in his evidence that Lord Chief Justice Eyre once went the Home Circuit, beginning at Hertford and finishing at Kingston, when crimes were so desperate that in his charge to the Grand Jury at Hertford he told them to be careful what bills they found, for he had made up his mind, whatever persons were convicted throughout the circuit for capital offences, to hang them all. And he kept his word; he saved neither man nor woman. In one case seven people, four men and three women, were convicted of robbing a pedlar in a house in Kent-street. "They were all convicted," says Townshend, "and all hanged in Kent-street opposite the door; and, I think, on Kennington Common eight more, making fifteen; all that were convicted were hung." And, generally, he observes in another part of his evidence, "with respect to the present time and the early part of my time, such as 1781-2, 3, 4, 5, 6, and 7, where there is one person convicted now, I may say I am positively convinced there were five then; we never had an execution wherein we did not grace that unfortunate gibbet with ten, twelve to thirteen, sixteen, and twenty."—Charles Knight, "London," vol. iv, p. 237.

contended that gooseberry bushes ought to be fenced round with gibbets?"

Duelling.

It was to this recklessness about taking human life that the practice of duelling owed its popularity throughout the same period. The laws made to prevent it were evaded, the Courts winked at it when they could, and the opinion of Parliament—no doubt in harmony with that of society—seemed to be rather in its favour than otherwise. In the course of a debate in the House of Commons on the duel between the Earl of Shelburne and Mr. Fullarton in 1780, one member asked :—

Did the honorable gentleman think that any order or resolution of the House, that any Act of the Legislature, could prevent a gentleman going out, as it was termed, with another, if he felt his honor injured? Had gentlemen so soon forgot that there were Acts of Parliament against duelling now in being? The very attempt to prevent one man fighting with another was absurd, because it was impossible, by any regulation of Parliament, to prevent it.

Burke on duelling.

To which Burke replied that the right honorable gentleman could not surely imagine that he was so absurd as to attempt to make laws for the restraint of the human feelings and passions.* He, therefore, saw nothing particularly reprehensible in the practice; for either he had nothing to say against it, or he thought it prudent to refrain from expressing his opinion. Pitt and Fox each fought his duel.

Burning women.

There were other exhibitions of human suffering to be seen in Phillip's time even more horrible than that of men hanging from the scaffold in public places. The old law under which women were burned as well as hanged for petit treason—that is, for killing a husband or a master, or for coining—was not abolished till 1789. In the year before, it was put in force against a woman convicted of coining; but out of consideration for her sex, she was first strangled and then burned. Having been tied by the neck

* Parliamentary History, vol. xxi, pp. 324-6. Dr. Johnson defended the practice of duelling.—Boswell's Johnson, by Napier, vol. ii, p. 73; iii, p. 12, 205.

to an iron bolt fixed near the top of the stake, the steps on which she stood were drawn away and she was left hanging; a chain attached to the stake was then fastened round her body; two cartloads of wood were piled about her, and after she had hung for half an hour the fire was kindled. The flames soon burned the halter, when the body fell a few inches and hung by the iron chain. This scene took place in front of Newgate Gaol, in the presence of the usual crowd. Other executions of the same kind took place in 1767, 1750, and 1726. In the last case the woman was burned alive. "The fire reaching the hangman's hands, he let go the rope by which she was to have been strangled, and the flames slowly consumed her as she pushed the blazing faggots from her, rending the air with her agonised cries."*

Burned
alive.

These were not the only cruel forms of punishment to which women were subjected during the same period. They were frequently ordered to be flogged or whipped, sometimes at the cart's tail in public, and sometimes in prison. In 1764, for instance, a woman was three times conveyed in a cart from Clerkenwell Bridewell to Enfield, and publicly whipped at the cart's tail by the common hangman. The offence for which she suffered was "cutting down and destroying wood in Enfield Chase"—probably to light her fire.† Women were not only whipped by order of Court for the offences they had committed, but they were punished in the same manner while in prison at the discretion of the authorities. A whipping-post was set up in every prison yard, and they were mercilessly castigated at it for neglect of duty or insubordination; the punishment being inflicted on their bare backs. This form of punishment lasted till 1820.

Flogging
women.

Female offenders seem to have been treated with quite as much severity as the men, if not with more; they were not only burned as well as hanged, not only flogged in

Severity
towards
women.

* Griffiths, vol. ii, p. 237; vol. i, p. 354.

† Andrews, p. 294.

Cruelty and neglect.

public as well as in private, but they were heavily ironed and often left in gaol without clothes enough to preserve common decency. Phillip's letters describe the condition of the women put on board the transports in 1787 as disgusting; they were very filthy and almost naked; and notwithstanding his repeated requests for clothing, they were allowed to sail without it—a neglect which seems to have been quite in keeping with official practice long after the sailing of the First Fleet. When Mrs. Fry began her visits to the female prisoners in Newgate in 1813, she found them all in the state described by Phillip. Even before they were lodged in gaol, they were shamefully neglected and ill-treated.

Mrs. Fry.

Women in irons.

Many were brought to the prison almost without clothes. If coming from a distance, as in the case of convicts lodged in Newgate until embarkation, they were almost invariably ironed, and often cruelly so. One lady saw the female prisoners from Lancaster Castle arrive, not merely handcuffed, but with heavy irons on their legs, which had caused swelling and inflammation. Others wore iron hoops round their legs and arms, and were chained to each other. On the journey, these poor souls could not get up or down from the coach without the whole of them being dragged together.*

If this was the manner in which females were treated in 1813, it is safe to infer that they did not meet with more consideration in 1787. The women put on board the First Fleet had no doubt been dragged about the country in irons from the time they left the gaols till they were delivered on board the ships at Portsmouth.

Prisoners in irons.

The practice of putting prisoners of both sexes in irons, even before their trial, had been long established, although it was known to be illegal—so far at least as concerned persons awaiting trial.† The only excuse that could be

* Griffiths, vol. ii, p. 136.

† The law will not justify jailers in fettering a prisoner unless when he is unruly, or has attempted an escape. In 1728, the judges reprimanded the warders of the Fleet prison, and declared that a jailer could not answer the ironing of a man before he was found guilty of a crime.—Blackstone, Comm., book iv, c. 22.

offered for it was, that it was difficult to prevent the escape of prisoners, unless they were loaded with clanking irons, owing to the insecurity of the buildings in which they were confined. This cruelty was not only practised in the case of persons actually in gaol, but those who were on their way to it were subjected to the same hardship. There were no police vans or any other vehicles of the kind to convey them from Court to prison; they were marched through the streets in gangs, handcuffed to one another, or linked to a long chain, men and women alike. Anyone who had money to pay for a vehicle might have one, provided the escort warder thought fit to make such a concession, or was honest enough to get the vehicle after receiving the money. Prison vans did not come into use until 1827, when "caravans," as they were called, were introduced.*

No police
vans.

Flogging was a popular form of punishment from very early times in England. It was freely administered to all kinds of petty offenders—thieves, prostitutes, street brawlers, rogues and vagabonds; the punishment taking place sometimes in public and sometimes in the gaols. When it took place in public the offender was tied to a cart's tail and flogged through the streets, or at the market-place. In the time of Elizabeth, the whipping-post was an established institution in every town and village. The municipal records contain frequent allusions to the practice. The fee paid to the officer of justice was usually fourpence in each case. Sometimes women were employed to whip offenders of their own sex. By an Act passed in the reign of Elizabeth, every vagabond was to be publicly whipped and then sent to the parish where he was born; and the law remained in force till the reign of Anne. The poet Cowper, in one of his letters, describes the flogging of a young thief through the town of Olney. In London, the principal places for punishment of this description appear to have been the Bridewells, or houses of correction. The spectacle was open to the public and was largely attended by sightseers. De Foe has

Flogging.

The whipping-post.

Bridewell.

* Griffiths, vol. i, p. 165.

described the scene with characteristic force in his *Life of Colonel Jack*. According to the practice of the time, the men and women taken into custody by the watch were brought before the magistrates and usually committed to Bridewell. They were then brought before the Court of Governors on their usual sitting day; the offence in each case was stated by the beadles, and the Court gave its decision, generally to the effect that the offenders should be corrected on the spot. The beadles at once prepared the culprits for punishment by stripping their clothes off, and the flogging was administered until the president thought proper to stop it, which he did by rapping with a hammer on the table. At the close of this ceremony, the prisoners were handed over to the officials to pass the term of their imprisonment in beating hemp.*

Police Court
practice.

The practice of flogging in the army and navy was carried to an extreme in Phillip's time which seems incredible in the present day. The most notorious instance of excessive punishment will be found in the trial of Governor Wall, who was executed in 1802 for having caused the death of a sergeant named Armstrong at Gorcee, an island off the African coast, twenty years previously. According to the statement made by the Attorney-General at the trial, Armstrong's offence consisted in his having gone with several other soldiers to the paymaster's house for a settlement of their claims. Although he was not guilty of any mutinous or disrespectful conduct, Wall, who was commandant of the garrison, without any form of trial or inquiry, ordered him to be punished with eight hundred lashes, and personally superintended the flogging. The unfortunate man was stripped and tied to a gun-carriage, and two black men were employed to flog him with a rope one inch in diameter. He died in hospital five days afterwards.†

Governor
Wall's case.

Flogging to
death.

* History of the Rod, pp. 150, 196. Flogging was as common in Scotland as in England. The last exhibition in the streets of Edinburgh is described at length in the same work, p. 189.

† Burke, *Celebrated Naval and Military Trials*, p. 339.

Although there was no doubt that Wall deserved punishment, there was at least one consideration that might have been urged in support of his plea for mercy. He was the victim of a vicious system which had established itself in the army and navy, under which it had become a common practice among commanders in both services to inflict punishment on their own authority, without the intervention of any Court-martial. Romilly mentions a case which was brought before the Privy Council while he was Solicitor-General in Fox's administration of 1806. A lieutenant in the navy was charged with the murder of three seamen at Bombay in the year 1801. They had been flogged without any Court-martial having been held on them; and the punishment was inflicted with such horrible severity that they all three died in less than twenty-four hours after it was over. In the course of the examination before the Council, it appeared that it was not uncommon for officers of the navy to inflict very severe punishment on their own authority, without any Court-martial; their idea being that it was lawful to do so.*

Flogging
without
trial.

Two other instances are mentioned by Romilly which seem to have originated in the same spirit of reckless indifference to results. One was that of a soldier at Gibraltar "whose only offence was that he had come dirty upon the parade," and who was thereupon flogged with such severity that he died a few days afterwards. In the other case, a man who had been thirty years in the Guards, and who had been removed into the veteran battalion in the Tower as a reward for his good conduct throughout that time, was sentenced at the age of sixty to receive three hundred lashes, "because he had been absent a day" from duty.† Romilly does not state that these punishments were inflicted without trial, but a charge of "appearing dirty on parade" would seem to be rather beneath the dignity of a military Court. The Courts-martial of the flogging days, however, did not stand much

Trivial
offences.

The Courts-
martial.

* Memoirs, vol. ii, p. 133.

† Ib., vol. ii, p. 362.

Military
law.

upon their dignity in these matters. Any breach of discipline, however slight, was sufficient to set the law in motion. In 1792, a sergeant named Grant was sentenced to one thousand lashes for having enlisted two drummers of the Coldstream Guards into the East India Company's service. And in 1832, a private in the Scots Greys was tried and sentenced to two hundred lashes "for highly unsoldierlike conduct in dismounting without leave, when taking his lesson in the riding-school, and absolutely refusing to remount his horse when ordered to do so." Many other instances of the same kind might be quoted.

Sir Charles
Napier.

The manner in which this form of punishment was administered in the army is forcibly described by Sir Charles Napier. Referring to the time when he was a subaltern, he says :—

Scenes
at the
triangles.

I then frequently saw six hundred, seven hundred, eight hundred, nine hundred, and a thousand lashes sentenced by regimental Courts-martial; and generally every lash inflicted. I have heard of twelve hundred having been inflicted, but never witnessed such an execution. Even a General Court-martial cannot do this now. Its sentence cannot exceed two hundred lashes. I then often saw the unhappy victim of such barbarous work brought out from the hospital three and four times to receive the remainder of his punishment, too severe to be borne without danger of death at one flogging; and sometimes I have witnessed this prolonged torture applied for the avowed purpose of adding to its severity. On these occasions it was terrible to see the new tender skin of the scarcely healed back again laid bare to receive the lash. I declare that, accustomed as I was to such scenes, I could not on these occasions bear to look at the first blows: the feeling of horror which ran through the ranks was evident, and all soldiers know the frequent faintings that take place among recruits when they first see a soldier flogged.

The art of
flogging.

Some commanders appear to have studied flogging as an art, with a view to the infliction of the greatest possible torture on the victim :—

I have heard, and I have no doubt of the fact because it was generally talked of and admitted to be so, though I never saw it,

that there were commanding officers who distributed the lashes from the poll of the neck to the heel ; thus flaying the shoulders, posteriors, thighs, and calves of the legs, multiplying the torment enormously ; but I believe it was done, and legally, too, according to the wording of the sentence which ordered or permitted such cruelty. Flaying
alive.

But even artistic flogging was effective only up to a certain point :—

I have seen many hundreds of men flogged, and have always observed that when the skin is thoroughly cut up, or flayed off, the great pain subsides. Men are frequently convulsed and screaming during the time they receive from one lash to three hundred lashes, and they bear the remainder, even to eight hundred or a thousand lashes without a groan ; they will often lie as if without life, and the drummers appear to be flogging a lump of dead raw flesh.*

Bad as matters were in the army, they were even worse in the navy. The captain of a ship afloat was practically judge and jury in all cases ; public opinion rarely or never reached him, and he was consequently under no restraint in the exercise of his powers ; while the prospect of obtaining redress by complaint to the Admiralty was too remote in those days to afford any protection to the men under his command. But that was not all :— Flogging
in the navy.

One lash in the navy was considered equivalent in severity to several in the army ; and although the lashes were numbered by dozens instead of hundreds, twelve stripes afloat were fully equal to a hundred on shore. This was partly owing to the make and material of the cat, and also to the mode of flogging. The naval cat was altogether more formidable than the military one, being made out of a piece of rope thicker than a man's wrist, five feet in length all over, three of which were stiff and solid stuff, and the remaining two feet ravelled into hard twisted and knotted ends.† The naval
cat.

The sentence of a Court-martial was not considered a necessary preliminary to the use of the cat on board a

* Remarks on Military Law and the Punishment of Flogging, 1837.

† History of the Rod, p. 369. "The military cat was a weapon about eighteen inches in length, armed with thongs of the same length, each thong bearing five or six knots, compressed and hardened into sharp edges till each had acquired the consistency of horn."—*Ib.*, p. 357.

Marryat's
stories.

Abolition
of flogging.

man-of-war. There may be some exaggeration in the stories told by Marryat on the subject; but if his narratives were not always founded on fact, his descriptions were drawn from his own experience during the years he was at sea. The story of the captain of an eighteen-gun brig ordering five dozen lashes to be given to a seaman for spitting on the quarter-deck, may be a humorous invention; but it is nevertheless a good illustration of the manner in which punishment was usually administered in the navy at that period. It was inflicted not only by the captains and superior officers, but by the boatswain and boatswain's mates, who carried rattans or rope's ends to quicken the movements of the men. The practice continued for many years after the close of the last century. The agitation in Parliament for its abolition began in 1811; but it was not until 1859 that corporal punishment in the navy was restricted to cases of insubordination or other serious offences, established before a Court of inquiry held by a captain and two lieutenants.* The results of the abolition form an unanswerable argument in favor of the reform. At no time in the history of the army and navy was discipline better than it is in the present day, when flogging is never heard of; a fact which justifies the conclusion that discipline might have been maintained in both services throughout the whole of the flogging period without any recourse to that method of correction.

History of
reform.

The temper of the age with respect to the question of crime and its punishment may perhaps be best understood by reviewing the efforts made to reform the existing system. During the eighteenth century no serious or systematic effort was made for that purpose; it is doubtful, indeed, whether the House of Commons would have listened to any proposals of the kind. The Lords would certainly have

* *Ib.*, p. 570. Flogging in the army was abolished in time of peace in 1868, and totally abolished in 1881. A proposal to abolish it in the navy was negatived in the House of Commons in 1879, by 239 votes to 56.—Haydn, *Dictionary of Dates*.

rejected them as summarily as they would have negatived a motion to extend the franchise to the working classes, or a bill to abolish the penal laws against the Roman Catholics. The political speeches and memoirs of the time are curiously silent on the subject. No member of either House had ventured to take up the question as Romilly took it up in later years. Not one of the many great speeches delivered by Burke, Fox, Pitt, and Sheridan was devoted to the question. While boys were frequently hanged in rows for offences for which they would now be sent to reformatories, the great statesmen and orators of the day looked on in silence. They appear to have taken little or no interest in social problems, partly because such questions were lost sight of in the greater attractions of foreign affairs, culminating at one time in the war of American Independence, and at another in the French Revolution; and partly because politicians had not then learned to look upon the reform of social evils as of paramount importance to the welfare of the nation. During Pitt's eighteen years of office he might have effected any changes in the administration of justice he pleased; but he left it as he found it, not having effected, or even sought to effect, any material changes in it whatever.

Ignored in
Parliament.

Pitt.

No statesman of the day was better qualified than Burke to deal with such a subject; he had not only studied jurisprudence, but he had an instinctive perception of its principles; and yet in the whole circuit of his studies there is no evidence that he had devoted any serious attention to the reform of a system which he knew to be radically defective.* A casual reference to the matter may be found here and there in his speeches, enough to show that the tendency of his own mind was wholly opposed to the barbarous code

Burke.

* On a motion to commit a bill making it felony to destroy any tree, plant, or shrub in a garden by day or night, Burke said that "the whole system of the penal laws was radically defective," and he recommended "a revision of the whole criminal law, which, in its present state, he considered abominable." Parliamentary History, vol. xxviii, p. 146. The bill referred to may be taken as a specimen of many other measures of the same kind, generally introduced by property owners for their own protection.

Pilloried to
death.

and revolting methods of punishment then in existence ; but at the same time it is equally clear that, for reasons we can only conjecture, he refrained from touching the work of reform. On one occasion during the year 1780, he was roused from his apparent indifference by an occurrence which had come under his notice "in the newspapers of that morning." Two men had been put in the pillory the day before, and had been so cruelly ill-treated that one of them was killed outright, while the other was removed in a dying state. Burke's statement of the facts was prefaced by the following remarks :—

Proportion
between
crime and
punishment.

In making criminal laws, it behoved them materially to consider how they proceeded, to take care wisely and nicely to proportion the punishment so that it should not exceed the extent of the crime, and to provide that it should be of that kind which was more calculated to operate as an example and prevent crimes than to oppress and torment the convicted criminal.*

Sus. per coll.

He did not give the House his opinion as to the actual proportion between crime and punishment, but rather left it to infer that, as a rule, one was "wisely and nicely" proportioned to the other. The case to which he referred might well have led him to look a little further than the mere facts connected with it. One of the victims being not only short but short-necked, could not reach the hole in the pillory made for the head, whereupon "the officers of justice" forced his head through the hole, so that he hung rather than walked as the pillory went round. The result was that he soon grew black in the face, and the blood forced itself out of his nostrils, eyes, and ears. Knowing the treatment he would probably receive from the mob when he was exposed to their violence, he had begged hard for mercy before his punishment began ; but his plea was not listened to, and he was immediately attacked with so much fury that the officers, in order to save him, opened the machine, when he fell down dead.

Stoned by
the mob.

* Parliamentary History, vol. xxi, p. 387.

Burke spoke of this atrocious proceeding as "a melancholy circumstance"—language he might have used had he been speaking of someone who had fallen down stairs and broken his leg. No one in his day could use the language of invective with more effect; but on this occasion A melancholy circumstance. he contented himself with a very mild remonstrance. He asked the House whether it would not be right to abolish a mode of punishment liable to such perversion, and intimated at the same time that if no man would take the matter in hand, he would bring in a bill for the purpose. But no bill was brought in for the purpose either by him or by any other Nothing done. member. The Attorney-General said in reply that he would require to consult the judges before he could interfere; but the result of his consultations, if any, was never seen.*

If Burke was disposed to be silent on the subject of reform, he was equally reserved as to the moral effect of such a system of punishment on the masses. He saw clearly enough, no doubt, that under the debasing influence of public exhibitions, men had become not only indifferent to suffering, but had learned to look on it as a source of amusement. Had it not been so, such a scene could not have been witnessed in the streets of London. But it would have been useless to raise any question as to the moral result of an established system. It was the settled conviction of society that exhibitions of the kind were necessary in order Effect of exhibitions. to deter people from committing crime; just as the practice of mutilating and branding offenders was retained for centuries in the belief that it was the best means of producing a good moral impression on the multitude. Article of faith.

Educated as he was under such influences as these, it is not to be wondered at that Phillip brought with him to

* The pillory was not finally abolished until 1837. A bill for its abolition was rejected by the Lords in 1815 on the motion of Lord Ellenborough, who said that the subject required consideration and ought to be referred to the judges. "He talked about the antiquity of the punishment both in England and the rest of Europe, and said that it was mentioned by Fleta and Ducange; and as usual declaimed against innovation."—Romilly, vol. iii, p. 189.

"Hatchets
and bags."

Sydney Cove the current doctrine of his times. When, for instance, in the heat of his indignation at a deliberate murder committed by the natives at Botany Bay, he instructed Captain Tench, before setting out on an expedition in search of the murderers, to "cut off and bring in the heads of the slain, for which purpose hatchets and bags would be provided," he was manifestly influenced by the eighteenth century belief in the efficacy of ghastly spectacles. His idea was that, by fixing the heads of the natives on poles around the settlement, he would deter others from committing similar outrages. The effect of such a spectacle would probably have been just the reverse. The feeling of repulsion provoked by exhibitions of that kind on minds not accustomed to them was shown in the case already referred to, when a convict was flogged in the presence of the natives. The only result was to make them sympathise with the sufferer and turn against those who punished him, whom they had not yet learned to look upon as "the officers of justice."

Romilly and
reform.

The reform of the criminal law made no appreciable progress until it was taken in hand by Sir Samuel Romilly, who identified himself with the cause as zealously as Wilberforce devoted himself to the abolition of the slave trade. Compared with his design, however, Romilly's actual achievements were very limited; the greatest consisted in having thoroughly awakened men's minds on the subject, and so prepared the way for his successors. The determined opposition he met with, even in places where he might reasonably have looked for sympathy, if not with active assistance, is enough to show the nature of the task he had undertaken. In 1808, he succeeded in passing a bill to repeal the old Act which punished pocket-picking with death; but he met with very different results two years afterwards, when he introduced bills to substitute transportation for death in cases of stealing in shops or dwelling-houses. The bills were passed in the Commons, but were thrown out by a majority of nearly three to one in the

Opposition
in the
Lords.

Lords. Among those who opposed the stealing-in-shops bill were seven bishops, the Archbishop of Canterbury among them. Romilly charitably supposed that they voted against his bill "out of servility towards the Government"; because he was unwilling to believe that they, "recollecting the mild doctrines of their religion, could have come down to the House spontaneously to vote that transportation for life is not a sufficiently severe punishment for the offence of pilfering five shillings worth of property, and that nothing but the blood of the offender could afford an adequate atonement for such a transgression."*

The seven bishops.

Hanging for five shillings.

It was not necessary to impute servility to the bishops in order to account for their votes. They may be credited with having acted conscientiously, seeing that their opinions coincided with those of distinguished law lords, refined moral philosophers and other eminent persons, including the members of the Perceval Government. Perhaps the most popular as well as the most authoritative work on moral and political philosophy in their days was Paley's, originally published in 1785; and Paley not only approved of but applauded the criminal laws of his time, as the best possible method of administering penal justice. His view was that the law of England, by the number of statutes creating capital offences, swept into the net every crime which under any possible circumstances might merit the punishment of death; but that when the execution of the sentence came under the consideration of the Executive, a small proportion only of each class of offenders was singled out to serve as examples to the rest. By this means, while few criminals actually suffered death, "the tenderness of the law" could not be taken advantage of by others. The happy result so arrived at proved "the wisdom and humanity" of the design.†

Paley's Moral Philosophy.

Wisdom and humanity of the law.

* *Memoirs*, vol. ii, p. 325.

† The tenderness of the law seems to have been an article of faith with many men besides Blackstone and Paley. Burke, for instance, in a speech delivered in the House of Commons in 1785, spoke of England as "a

Dread of
innovation.

To minds fed on such diet as that, any proposals for reform, which had the appearance of relaxing the iron grasp of the law, seemed to be so many dangerous innovations, threatening the security of property and therefore the foundations of society. Proposals for the education of the poor in public schools were looked at in much the same light and met with almost as much opposition. Every other movement in the direction of reform—we might, perhaps, except John Howard's agitation for the improvement of the prisons—met with a similar fate. It was sufficient to stigmatise any scheme for reform as an "innovation" in order to enlist against it every one who believed in things as they were, instead of things as they should be. Even the proposal to do away with the procession to Tyburn met with opposition; and the kind of argument which was considered good logic in 1783 may be seen in Dr. Johnson's remarks on the subject:—

Dr. Johnson's opinion
of Tyburn,

"The age is running mad after innovation; and all the business of the world is to be done in a new way; men are to be hanged in a new way; Tyburn itself is not safe from the fury of innovation." It having been argued that this was an improvement:—"No, sir," said he, eagerly, "it is *not* an improvement: they object that the old method drew together a number of spectators. Sir, executions are intended to draw spectators. If they do not draw spectators, they don't answer their purpose. The old method was most satisfactory to all parties; the public was gratified by a procession; the criminal was supported by it. Why is all this to be swept away?"

country which prided itself on the mild and indulgent principles of its laws"; and again, of "the mild spirit and principles of the English laws." *Post*, p. 491.

Paley furnishes a curious illustration of the "wisdom and humanity" of the laws in another part of his work, in which he treats of relative duties in connection with property. If, he says, you should see a flock of pigeons in a field of corn, ninety-nine of them gathering all they got into a heap for one, and that the weakest, perhaps worst, of the flock; and if one of them, more hardy or hungry than the rest, should touch a grain of the hoard, and if all the others should instantly fly upon it and tear it to pieces, you would see nothing more than what is every day practised and established among men; "ninety and nine toiling and scraping together a heap of superfluities for one, oftentimes the feeblest and worst of the whole set; and if one of the number take or touch a particle of the hoard, the others joining against him and hanging him for the theft."

To which Boswell thought it necessary to add :—

I perfectly agree with Dr. Johnson on this head, and am persuaded that executions now, the solemn procession being discontinued, have not nearly the effect which they formerly had. Magistrates, both in London and elsewhere, have, I am afraid, in this had too much regard to their own ease.*

While Phillip and his immediate successors in office have been unsparingly criticised here for the apparent severity with which the law was administered during their time, it is clear that, in the eyes of their contemporaries in England, their administration would probably have been considered rather too lenient than otherwise. The prerogative of mercy was frequently exercised by Phillip, and his example was followed by Hunter and King. A striking illustration of English opinion on the subject presents itself in a letter written by Sir Joseph Banks to Governor King in 1804, in which he referred to this matter with marked emphasis :—

There is only one part of your conduct as Governor which I do not think right—that is, your frequent reprieves. I would have justice, in the case of those under your command who have already forfeited their lives and been once admitted to a commutation of punishment, to be certain and inflexible, and no one instance on record where mere mercy, which is a deceiving sentiment, should be permitted to move your mind from the inexorable decree of blind justice. Circumstances may often make clemency necessary—I mean those of suspected error in conviction, but mere whimpering soft-heartedness never should be heard.

The plain inference from this language is, that every convict who committed a second offence, for which he was liable to death as the law then stood, should be hanged without mercy. We have only to recall the long list of capital offences at that time to understand what Sir Joseph

* Boswell's Johnson, by Napier, vol. iii, p. 297. The public procession from Newgate to Tyburn was not abolished until 1783; from that date executions took place in front of Newgate Gaol. Lecky (Eighteenth Century, vol. vi, p. 251) speaks of the "disgusting scene of ribaldry and profanity which habitually took place when the criminal was carried for more than two miles through the most crowded thoroughfares in London. So brutal and brutalising a spectacle could be seen in no other capital in Europe." It is well described in Griffiths, vol. ii, p. 246.

meant by "the inexorable decree of blind justice." Had he not been generally credited by those who knew him with great generosity and kindness of disposition, such a stern denunciation of "whimpering soft-heartedness" might be quoted as evidence of a very different character.

Popular
legislation.

Life of little
account.

The current of public opinion with respect to the criminal law may be seen in the kind of legislation that met with favour in Parliament, as well as in that which met with no favour at all. While it proved to be such a very difficult matter to repeal a law inflicting death for a trifling offence, nothing seemed easier than to pass an Act imposing it for a new one, however trivial it might be. Romilly mentions that, during the session of 1816, a bill was introduced in the Commons by a colliery proprietor making it a capital offence to destroy any machinery employed in a colliery, although there was a law already in existence to that effect. The bill attracted no attention in the House, but passed through all its stages as a matter of course—"as if the life of a man was of so little account with us that anyone might at his pleasure add to the long list of capital crimes which disgrace our statute books."* Burke made the same remark thirty years before.

Property in
Parliament.

The laws in question were made for the protection of property, and were made at the instance of property owners—merchants, manufacturers, and country gentlemen—who held seats in Parliament.

A merchant or squire goes into the House of Commons exasperated by the loss of his broadcloth or the robbery of his fish, and immediately endeavours to restrain the crime by severe penalties.

* *Memoirs*, vol. iii, p. 260. "Mr. Burke once told me that, on a certain occasion when he was leaving the House, one of the messengers called him back, and on his saying he was going on urgent business, replied, 'Oh! it will not keep you a single moment; it is only a felony without benefit of clergy!' He also assured me that although, as may be imagined from his political career, he was not often entitled to ask favour from the Ministry of the day, he was persuaded that his interest was at any time good enough to obtain their assent to the creation of a felony without benefit of clergy."—Sir James Mackintosh, *Speech on moving for a Committee to inquire into the state of the Criminal Law*, 1819.

Hence it is that, every man judging that to be the most deadly offence by which he is himself a sufferer, the Parliament has permitted the statute book to be loaded with the penalty of death for upwards of two hundred offences.*

When Burke went down to Bristol in 1780 to address his constituents, a portion of his speech was occupied with an elaborate defence of his votes in favour of a bill introduced into the House of Commons during the previous session, dealing with the law relating to imprisonment for debt. It proposed to restrict in some measure the unlimited power, then exercised by creditors, of detaining a debtor in prison as long as the debt was unpaid. Reform of that kind was not in favour among the commercial classes of Bristol, who probably regarded it as calculated to prejudice their securities. The absurdity as well as the injustice of the system was exposed by Burke in a few sentences, which display his intuitive perception of principles. In the first place, he said, every man was presumed by the law to be solvent—a presumption quite at variance with facts; and secondly, imprisonment for debt was inflicted, not because an impartial judge considered it necessary, but because an interested and irritated individual chose to demand it; the judge being a passive instrument in his hands. To such an extent had this abuse been carried that the gaols were everywhere crowded with miserable debtors, and Parliament was frequently obliged to interfere. For a long time previously, “Acts of Grace” had been passed once, and latterly twice, in every Parliament, by which the gaol-doors were thrown open and their inmates released. These Acts were described as

Imprisonment for debt.

Abuse of the law by creditors.

a dishonourable invention by which, not from humanity, not from policy, but merely because we have not room enough to hold these victims of the absurdity of our laws, we turn loose upon the publick three or four thousand naked wretches corrupted by the habits, debased by the ignominy of a prison.

“Acts of Grace.”

* Russell, English Government and Constitution, p. 242.

THE CHRONICLES OF SYDNEY COVE.

- 1788 THE value of contemporary records in connection with the foundation of a colony was fortunately recognised in the official circle which surrounded Phillip; and thus it happened that no less than four members of his staff devoted their attention from the first to the work of recording in their journals from day to day the various events of importance connected with the work they had in hand. Captain Hunter, Captain Tench, Judge-Advocate Collins, and Surgeon White, each kept his diary faithfully, and each did so with a view to the publication of its contents. Lieutenant King also entered in his note-books the various incidents of the voyage out in the First Fleet, and the proceedings at Norfolk Island during the time he was in command there; but he did not write for publication, although his Norfolk Island journal was published in Captain Hunter's volume. Taken altogether, these records comprise a very full and varied account of the "transactions" connected with Phillip's expedition. Each was written from a different standpoint, and consequently each presents the reader with a different view of the events recorded. Their subsequent appearance in print attracted very considerable attention, not only in England, but on the Continent—a fact attested by the appearance of successive editions as well as of several translations into foreign languages.*

Diaries of
the time.

Circulation
at home and
abroad.

* The evidence given by these translations of the interest felt throughout Europe in the colonising experiment of the British Government deserves notice. Phillip's Voyage, published in 1789, was translated into French in 1791, and into German in 1789, 1791, and 1794. Hunter's Journal, published in 1793, appeared in two different German editions in 1794, and in a

The first publication which gave the English public an authentic account of the results of Phillip's expedition was the book commonly known as Phillip's Voyage*—a handsome quarto volume, "embellished with fifty-five copper-plates," which made its appearance in the year 1789. It was practically an official production, published by John Stockdale, of Piccadilly, the well-known Government printer of the day. The historical part of the work was based on the despatches received from Phillip, the latest date being November, 1788; the rest of the matter being made up partly of descriptive sketches of animals, birds, and fishes, illustrated by hand-painted engravings; and partly of accounts of voyages made by some of the transports on their return from the colony to Batavia, England, and China. Phillip's despatches, "which were liberally communicated by Government," were written out with editorial decorations by the compiler for the purpose of presenting a connected narrative of events. The portion of the work devoted to natural history was apparently done by several hands, and judging from the appearance of the illustrations, few of them were drawn and coloured from real life. The Voyage proved a very readable publication, and no doubt made a good impression on the public mind with respect to the prospects of the distant settlement. The work passed through three editions in the course of the following year, and was shortly afterwards translated into French and German. It contains a curiosity in the shape of an "elegant vignette" on the title-page, representing Hope standing in classical attire on the shores of Sydney Cove and addressing

1789

Phillip's
Voyage.His
despatches.French and
German
translations.

Swedish one in 1797. Tench's Narrative, published in 1789, was republished in Dutch in 1789, in French in 1789 and 1791, in Swedish in 1797; his Complete Account of the Settlement at Port Jackson, published in 1793, was translated into German in 1794. White's Journal, published in 1790, did not appear in a foreign language until 1795, when it was published in French. There is no trace of any translation of Collins's Account, the first volume of which was published in 1798, and the second in 1802; a fact which may be accounted for partly by the unusual size of the work and partly by its having appeared rather late in the field—the greater part of its contents having been anticipated by earlier publications.

* Post, p. 581.

1789 words of encouragement to Art and Labour, attended by Peace. This vignette was engraved from a medallion, "which the ingenious Mr. Wedgwood caused to be modelled from a small piece of clay brought from Sydney Cove." The clay had been sent by Phillip through Lord Sydney to Sir Joseph Banks, and had been handed by him to Wedgwood for the purpose of being chemically analysed. It was then pronounced "an excellent material for pottery," and an opinion was expressed that "it might certainly be made the basis of a valuable manufacture for our infant colony." The idea thus suggested was illustrated by the medallion; and in order to give further effect to it, the aid of poetic inspiration was sought in the person of Dr. Erasmus Darwin—"a mighty master of unmeaning rhyme," as Byron called him, and an old friend of Wedgwood's—who wrote the prophetic lines describing the "Visit of Hope to Sydney Cove, near Botany Bay," published with the vignette in Phillip's Voyage.*

Wedgwood's
medallion.

Darwin's
prophetic
lines.

The next publication in order of date was Captain Tench's Narrative of the Expedition—a small octavo published in 1789, the author's introduction being dated from Sydney Cove, July 10, 1788. In offering his little tract—as he called it—to the public, Tench remarked that it was his wish to supply amusement as well as information; and it may be admitted that he was not unsuccessful in his effort—his book being pleasant reading, notwithstanding an occasional glimpse of the gloomy times he lived in. He was evidently an observant traveller, with a keen eye for a picture or a dramatic situation; disposed to take a genial view of everything, as far as he could; and much given to poetical quotations and good stories.† He had a faculty for description of which he does not seem to have been conscious, or

Tench's
Narrative.

Descriptive
sketches.

* Post, p. 548.

† His social qualities seem to have made him popular—two places having been named after him; Tench's Prospect Hill, by Phillip; and Tench's Island, by Lieutenant Ball, on the voyage to Batavia with Lieutenant King in 1790.—Hunter, Journal, p. 421.

he would have been tempted to make greater use of it. The excitement on board the Fleet at Botany Bay, when the two French ships suddenly appeared in the offing, can be seen at a glance in the following lines :—

The thoughts of removal [from Botany Bay to Port Jackson] banished sleep, so that I rose at the first dawn of the morning. But judge of my surprise on hearing from a sergeant who ran down almost breathless to the cabin where I was dressing, that a ship was seen off the harbour's mouth ! At first I only laughed, but knowing the man who spoke to me to be of great veracity, and hearing him repeat his information, I flew upon deck, on which I had barely set my foot, when the cry of "another sail" struck on my astonished ear. Confounded by a thousand ideas which arose in my mind in an instant, I sprang upon the barricado, and plainly descried two ships of considerable size standing in for the mouth of the bay.*

The French ships off Botany Bay.

In another passage, Tench mentions his first meeting with the natives on the south shore of Botany Bay. He had scarcely landed with his party, when he and his party were met by "a dozen Indians, naked as at the moment of their birth" :—

The first meeting with the natives.

I had at this time a little boy, of not more than seven years of age, in my hand. The child seemed to attract their attention very much, for they frequently pointed to him and spoke to each other ; and as he was not frightened, I advanced with him towards them, at the same time baring his bosom and showing the whiteness of his skin. On the cloaths being removed, they gave a loud exclamation, and one of the party, an old man with a long beard, hideously ugly, came close to us. I bade my little charge not to be afraid, and introduced him to the acquaintance of this uncouth personage. The Indian, with great tenderness, laid his hand on the child's hat and afterwards felt his cloaths, muttering to himself all the while.

Black and white.

The scene is suggestive of the allegorical representations which used to be in vogue at the Court of the Faerie Queene—Civilisation, in the form of a fair European child, making its first appearance on the shores of a new world, and

A Mask.

* Narrative, p. 49.

1790 advancing towards Barbarism in its decay, represented by an ancient Indian gazing wistfully into the child's face, and "muttering to himself all the while."

A few lines enable him to describe the troops and prisoners at work on the shores of Sydney Cove, immediately after their landing :—

Founding a city. The scene, to an indifferent spectator at leisure to contemplate it, would have been highly picturesque and amusing. In one place, a party cutting down the woods ; a second, setting up a blacksmith's forge ; a third, dragging along a load of stones or provisions : here an officer pitching his marquee, with a detachment of troops parading on one side of him, and a cook's fire blazing up on the other.*

White's Journal.

In the following year appeared Surgeon White's Journal of a Voyage to New South Wales†—another fine quarto, somewhat resembling Phillip's Voyage in appearance and contents. Mr. White had the great advantage of a taste for natural history, and was consequently in a position to enliven as well as to illustrate his pages by descriptions of the new world of animal and vegetable life in which he found himself. The birds are exceedingly well drawn and coloured ; but a curious difference may be noticed between the representations of the same specimens in White's Journal and in Phillip's Voyage. The cassowary, the parrots and the cockatoos, for instance, which adorn the two volumes, have very little resemblance with each other when placed side by side for comparison ; and as they all purport to be drawn and coloured from nature, it is not easy to account for the difference. So far as the history of the settlement is concerned, White's volume is not of much importance ; the

Natural history.

* *Miratur molem Æneas, magalia quondam ;
Miratur portas, strepitumque, et strata viarum.
Instant ardentes Tyrii : pars ducere muros,
Molirique arcem, et manibus subvolvere saxa ;
Pars optare locum tecto, et concludere sulco.
Hic portus alii effodiunt ; hic alta theatris
Fundamenta locant alii, immanesque columnas
Rupibus excidunt, scenis decora alta futuris.*
Æneid, I, 418.

† Post, p. 582.

record of events dates only to November, 1788, and does not travel beyond the limits of an ordinary journal. It contains a good deal of information, however, not to be found in the pages of his contemporaries, and is consequently entitled to a permanent place in our historical collections. 1793

The good reception which his little Narrative seems to have met with naturally induced Captain Tench to follow it up with a rather more ambitious effort, which appeared in 1793—the same year in which Captain Hunter's book was published. In his later work—entitled “A Complete Account of the Settlement at Port Jackson”—Tench gave the “transactions of the colony” year by year as he had noted them in his journal, followed by extracts from his “travelling diaries” relating to his exploring expeditions; the rest of the book being occupied with miscellaneous re-

Tench's
Complete
Account.

Travelling
diaries.

marks on the climate, the soil and its productions, and the natives. His pages may be read without any sensation of weariness, being full of anecdote and character. The unhealthy society which surrounded the author did not depress his mind to such an extent as to render him insensible or indifferent to better things. He seems to have kept up his spirits in spite of it, and to have written with a light heart; graphically, too, like an artist sketching the scenes around him with pencil and brush. The result is that his reader has a succession of pictures passing before him, which serve to illustrate the chronicle of events. In this respect Tench stands alone among his contemporaries. Although he had no talent for sketching, like Hunter, his work is essentially picturesque. The difference between his method and theirs may be seen in the fact that there is hardly a line in the bulky volumes they produced that can be said to give the reader any idea of Phillip as a man. There is no attempt to outline his character in any way, either directly or indirectly. Not a word, for instance, of the many conversations which he had with the captain of the Sirius and the Judge-Advocate is preserved in their pages. It is consequently difficult to form any clear idea as to Phillip's individuality from all

Pen and ink
sketches.

Phillip's
character.

793 that they relate of him. The only writer of that time who brings him distinctly before us is Tench. When summoned to attend him for the purpose of receiving instructions as to the military expedition to punish the natives at Botany Bay, Tench had a long conversation with him, and luckily reported some of his remarks* :—

Phillip
speaks :—

To the latter of these causes—misapprehension on the part of the natives—I attribute my own wound ; but in this business of McEntire, I am fully persuaded that they were unprovoked, and the barbarity of their conduct admits of no extenuation, for I have separately examined the sergeant, of whose veracity I have the highest opinion, and the two convicts ; and their story is short, simple, and alike. I have in vain tried to stimulate Baneelon and Colbee, and the other natives who live among us, to bring in the aggressor. Yesterday, indeed, they promised me to do it, and actually went away as if bent on such a design ; but Baneelon, instead of directing his steps to Botany Bay, crossed the harbour in his canoe in order to draw the foreteeth of some of the young men ; and Colbee, in the room of fulfilling his engagement, is loitering about the look-out house. Nay, so far from wishing even to describe faithfully the person of the man who has thrown the spear, they pretended that he has a distorted foot, which is a palpable falsehood. So that we have our efforts only to depend upon ; and I am resolved to execute the prisoners who may be brought in, in the most public and exemplary manner, in the presence of as many of their countrymen as can be collected, after having explained the cause of such a punishment ; and my fixed determination to repeat it, whenever any future breach of good conduct on their side shall render it necessary.

Public
execution,
à la mode.

Phillip seems to have had some doubt in his own mind as to the wisdom of these measures—which involved the destruction of ten lives—for Tench goes on to say that—

Here the Governor stopped, and addressing himself to me said, if I could propose any alteration in the orders under which I was to act, he would patiently listen to me. Encouraged by this condescension, I begged leave to offer for consideration whether, instead of destroying ten persons, the capture of six would not better answer all the purposes for which the expedition was to be under-

Plea for
mercy.

* Complete Account, p. 93 ; ante, p. 126 ; Collins, vol. ii, pp. 27-8.

taken ; as out of this number a part might be set aside for retaliation, and the rest, at a proper time, liberated after having seen the fate of their comrades, and being made sensible of the cause of their own detention. This scheme his excellency was pleased instantly to adopt, adding, "If six cannot be taken, let this number be shot. Should you find it practicable to take so many, I will hang two, and send the rest to Norfolk Island for a certain period, which will cause their countrymen to believe that we have dispatched them secretly." 1793
Hang two
and exile
the others.

Here we get a good illustration of Phillip's way of dealing with matters requiring energy as well as promptness of decision ; and at the same time his views on the native question become as distinctly perceptible as they are in his despatches. He had evidently allowed his indignation at a wanton murder—as it seemed to him—to overcome his judgment for the time ; but how ready he was to listen to any plea for mercy is seen in his prompt concession to Tench.

The state of distress and consternation into which the settlement was plunged when news arrived of the wreck of the *Sirius* at Norfolk Island, and the subsequent rejoicing when a ship at last arrived from England, are nowhere so well described as in Tench's pages.* For months previously the non-arrival of supplies had filled every mind with alarm, the stock of provisions in the public store having become so small that the rations had to be reduced to the lowest possible limit. In order to relieve the pressure on the public resources, Phillip had despatched the *Sirius* and *Supply* to Norfolk Island with several hundred men and women on board ; the *Sirius* being under orders to sail to China, on her return, for supplies of salt provisions. Her wreck increased the danger of the situation to a still more serious point ; for the only chance of saving the people from starvation was to send the little brig *Supply* to Batavia. The extent of the suffering endured at this crisis may be seen in the following extract :— Famine at
Sydney
Cove.

Wreck of
the *Sirius*.

March, 1790.

Three or four instances of persons who have perished from want have been related to me. One only, however, fell within my

* Complete Account, p. 44.

1793 own observation. I was passing the provision store when a man, with a wild haggard countenance, who had just received his daily pittance to carry home, came out. His faltering gait and eager devouring eye led me to watch him ; and he had not proceeded ten steps before he fell. I ordered him to be carried to the hospital, where, when he arrived, he was found dead. On opening the body, the cause of death was pronounced to be inanition.

Death from
starvation.

When matters had reached this stage, nothing but the arrival of a ship from England could have averted the most dreadful consequences :—

A party of seamen were fixed on a high bluff called the South Head, at the entrance of the harbour, on which a flag was ordered to be hoisted whenever a ship might appear, which should serve as a direction to her, and as a signal of approach to us. Here, on the summit of the hill, every morning from daylight until the sun sank, did we sweep the horizon in hope of seeing a sail. At every fleeting speck which arose from the bosom of the sea, the heart bounded and the telescope was lifted to the eye.

Watching
for a ship.

They were in much the same plight as shipwrecked people floating on a raft. The long-expected ship appeared at the very moment when hope had given way to despair :—

At length the clouds of misfortune began to separate, and on the evening of the 3rd of June, 1790, the joyful cry of “the flag’s up” resounded in every direction. I was sitting in my hut, musing on our fate, when a confused clamour in the street drew my attention. I opened my door, and saw several women with children in their arms running to and fro with distracted looks, congratulating each other, and kissing their infants with the most passionate and extravagant marks of fondness. I needed no more ; but instantly started out and ran to a hill, where, by the assistance of my pocket-glass, my hopes were realised. My next-door neighbour, a brother officer, was with me ; but we could not speak ; we wrung each other by the hand, with eyes and hearts overflowing.

A ship in
sight.

Marines in
tears.

It must have been a terrible pinch indeed that could make two officers of marines in those days show such signs of emotion.

Finding that the Governor intended to go immediately in his boat down the harbour, I begged to be of his party. As we pro-

ceeded, the object of our hopes soon appeared : a large ship, with English colours flying, working in between the heads which form the entrance of the harbour. The tumultuous state of our minds represented her in danger, and we were in agony. Soon after the Governor, having ascertained what she was, left us, and stepped into a fishing-boat to return to Sydney. The weather was wet and tempestuous ; but the body is delicate only when the soul is at ease. We pushed through wind and rain, the anxiety of our sensations every moment redoubling. At last we read the word "London" on her stern. "Pull away, lads ! She is from old England ! A few strokes more and we shall be aboard ! Hurrah, for news from our friends !"

1793

Boarding
the *Lady*
Julliana.

One of the most striking passages in Tench's work describes the effect produced upon the minds of the natives by the flogging of a prisoner. Although the man was punished for having stolen some fishing tackle belonging to one of themselves, the only effect of the exhibition was to create feelings of sympathy with the offender and disgust at the exhibition itself :—

Astonishing
the natives.

The Governor ordered that he should be severely flogged in the presence of as many natives as could be assembled, to whom the cause of punishment should be explained. Many of them, of both sexes, accordingly attended. There was not one of them that did not testify strong abhorrence of the punishment and equal sympathy with the sufferer.

Unexpected
result.

Phillip was anxious to show the natives that the law was no respecter of persons ; it did not occur to him that he was exhibiting the law in a shape not at all calculated to create respect for it, even in the minds of savages. The contrast between the civilised and uncivilised codes on this point is curious. Among the natives, a man who wronged another belonging to the same tribe was compelled to stand and defend himself with his shield, while his fellows hurled their spears at him. The idea of flogging a man seemed to them a savage refinement of cruelty.*

Native law.

* The effect produced by exhibitions of this kind upon the natives, is shown in another instance. Collins records that, in November, 1796, "the Court having ordered that Francis Morgan (convicted of murder) should

1793

Hunter's
Journal.

Captain Hunter's book appeared as an official publication in 1793—a quarto, with maps and illustrations.* In every way it was a creditable production, abounding in evidence of its author's personal merit. Besides his own journal of the voyage out with the First Fleet, of subsequent events at the settlement, and of his voyage to Batavia and England, it includes Lieutenant King's journal kept during his residence as Commandant at Norfolk Island in 1788, and also his journal of a voyage to Batavia and England; the history of the colony from June, 1790, to December, 1791, compiled from Governor Phillip's despatches; and it concludes with the journal of a voyage in the Supply from Sydney to England, written by her commander, Lieutenant Ball. Hunter's narrative of events from the founding of the colony to his departure in February, 1790, for Norfolk Island, where he was wrecked, is well written, and forms a valuable chapter in the annals of that time. His skill in sketching is shown in the View of the Settlement on Sydney Cove, Port Jackson, 20th August, 1788, which faces page 77 of his volume. It is of peculiar interest at the present day from the fact that it forms the earliest illustration of the scene known to exist. Another sketch of his appears as a vignette on the title-page, representing an incident of the expedition to Broken Bay, in June, 1789, when the Hawkesbury River was discovered. A young native woman was found by the sailors hiding herself in the long grass, having been unable to make her escape with her friends when they were alarmed by the arrival of the white

The first
sketch of
Sydney
Cove.

be hung in chains upon the small island which is situated in the middle of the harbour, and named by the natives *Mat-te-wan-ye*, a gibbet was accordingly erected and he was hung there, exhibiting an object of much greater terror to the natives than to the white people, many of whom were more inclined to make a jest of it; but to the natives his appearance was so frightful—his clothes shaking in the wind and the creaking of his irons, added to their superstitious idea of ghosts (for these children of ignorance imagined that, like a ghost, this man might have the power of taking hold of them by the throat) all rendering him such an alarming object to them—that they never trusted themselves near him, nor the spot on which he hung; which, until this time, had ever been with them a favourite place of resort.”—Vol. ii, p. 10.

* Post, p. 584.



THE SETTLEMENT AT SYDNEY COVE.

Sketched by Captain Hunter, 20th August, 1788.

Journal, p. 77.

men. Hunter's account of the matter brings Phillip personally on the scene*:— 1793

Information was immediately brought to the Governor, and we all went to see this unhappy girl, whom we found just recovered Perdita. from the small-pox, and lame: she appeared to be about seventeen or eighteen years of age, and had covered her debilitated and naked body with wet grass, having no other means of hiding herself; she was very much frightened on our approaching her, and shed many tears, with piteous lamentations. We understood none of her expressions, but felt much concern at the distress she seemed to suffer; we endeavoured all in our power to make her easy, and with the assistance of a few expressions which had been collected from poor Arabanoo while he was alive, we soothed her distress a little, and the sailors were immediately ordered to bring up some fire, which we placed before her: we pulled some grass, dried it by the fire, and spread round her to keep her warm; then we shot some birds, such as hawks, crows, and gulls, skinned them, and laid them on the fire to broil, together with some fish, which she eat; we then gave her water, of which she seemed to be much in want, for when the word "baa-do" was mentioned, which was their expression for water, she put her tongue out to show how very dry her mouth was; and indeed from her appearance and colour she had a considerable degree of fever on her. Before we retired to rest for the night, we saw her again, and got some fire-wood laid within her reach, with which she might in course of the night recruit her fire; we also cut a large quantity of grass, dried it, covered her well, and left her to her repose, which, from her situation, I conjecture was not very comfortable and refreshing. One touch of Nature makes the whole world kin.

Phillip and his men spent the following day in exploring Pittwater; but on their return in the evening, they lost no time in looking after the poor girl they had left. Hunter goes on to say:—

Our tents were no sooner up than we went to visit our young Another visit. female friend, whom we found in a little bark hut upon the beach; this hut was the place in which she and her friends were enjoying themselves when the arrival of our boat alarmed them. She was not alone as before, but had with her a female child, about two years old, and as fine a little infant of that age as ever I saw; but

* Journal, p. 139.

1793 upon our approach (the night being cold and rainy, and the child terrified exceedingly), she was lying with her elbows and knees on the ground covering the child from our sight with her body, or probably sheltering it from the weather, but I rather think on account of its fears. The little infant could not be prevailed on to look up; it lay with its face upon the ground, and one hand covering its eyes. We supplied her as before, with birds, fish, and fuel, and pulled a quantity of grass to make her a comfortable bed, and covered her little miserable hut so as to keep out the weather.

Mother and child.

Life in the Australian bush.

Collins's Account.

The kindly feeling which animated Phillip and his friends in their intercourse with the natives, could not be better illustrated than it is in this passage; nor has the part of the good Samaritan ever been more nobly played by British officers. Phillip and Hunter were rough old sailors; they had been all their lives at sea; but had they been shepherds with their crooks in the days of pastoral poetry, they could not have shown a finer feeling towards a damsel in distress. The facts, as told by Hunter, deserve to rank among the pathetic tales of the Australian bush; none the less touching because the central figure happens to be carved in ebony. Incidents of this kind should not be forgotten in estimating Phillip's character; especially when we find it represented as wanting in the very quality so conspicuously shown in this instance.*

Last on the list of the old chronicles is the ponderous work published by Judge-Advocate Collins in two quarto volumes, the first of which appeared in 1798,* and the second in 1802.† There can be no doubt as to the value of the work for historical purposes, seeing that it contains a mass of information with respect to the colony which none of the writer's contemporaries had been diligent enough to collect. But the merit of the compilation is largely affected

* Woods, in his *History of the Discovery and Exploration of Australia* (p. 66), expressed the opinion that "Governor Phillip does not appear to have been over endowed with mercy," because there was a good deal of hanging and flogging in his time—as if it had all been done at his instance and by his order.

† Post, p. 589.

by the mistaken principle on which the author worked, especially in the first volume. Instead of writing an account of the colony, as his title-page expressed, he wrote an account of a penal settlement—occupying himself almost exclusively with the unhappy creatures who had been sent to work out their redemption in chains. The impression left upon the reader's mind is that of having waded through a lengthy catalogue of crimes and their punishments, added to a dismal tale of suffering and privation. From page to page he finds his attention concentrated on the unsavoury details connected with the early years of the settlement, almost everything that could relieve the depth of shade in the picture being ignored. The result is that he finds himself slowly descending from one gloomy circle of the *Inferno* to another, each filled with a succession of repulsive groups. There is little or nothing to relieve the monotony of woe. There is not a word, for instance, about the scenery of the harbour and the surrounding country, which, by the way, seems to have left no other impression upon Collins than one of loneliness and desolation. He found no such source of encouragement as Phillip did in the prospect of future greatness for the country, when the inevitable difficulties attending the foundation of a colony had been overcome, and the unbounded resources it contained had been fully developed by the industry of successive generations. The work of exploration in which Phillip, Hunter, Tench, and Dawes made themselves conspicuous, had very little attraction for him. Although he accompanied them on more than one occasion in their excursions, he made very slight allusion to the matter in his book; in some cases none at all. The discovery of the Hawkesbury did not by any means inflame his imagination. He was a member of the expedition which traced it up to Richmond Hill, and yet he disposed of the whole matter in a paragraph as curt and dry as if he had been describing the robbery of a cabbage-garden and the execution of the thief. He makes no mention of the discovery of the Nepean, beyond a passing allusion to “the

1798

Chronicle
of crime.Pando-
monium.No interest
in explora-
tion.

1798 freshwater river, first seen some time since by Captain Ténch, and supposed to be a branch of the Hawkesbury.”* But the discovery of those rivers was undoubtedly a turning point in the history of the settlement, and must have done much to dispel the doubts which had previously hung over its future.

His melan-
choly.

Surgit
amari
alliquid.

Physio-
logical
problem.

The monotonous tone of lamentation which marks so many of his pages is mainly the result of a peculiar frame of mind, which led him to concentrate his attention on the unpleasant side of every picture placed before him. If an occasional gleam of humour had lightened up his reflections on passing events, the narrative he has left us would have been none the less faithful. But there is no attempt at any time to deal pleasantly with the subject he has in hand. He speaks sometimes like Virgil when conducting Dante through the shades below ; sometimes like a warder when showing an inquisitive traveller through the corridors of a gaol; stopping now and then at the doors of a cell to tell the dreadful story of its inmate. Even when a fair opportunity comes in his way for amusing himself and his readers with the scenes and topics to which he alludes, he seems to turn away from it, as if the bare suspicion of a jest would compromise his judicial dignity. Any other writer in his place, suffering from a dearth of subjects free from any criminal flavour, might have welcomed the phenomenon recorded by him with respect to the breeding operations of the settlement. “It was observed with concern,” he says (p. 76), “that hitherto by far a greater proportion of males than females had been produced by the animals we had brought for the purpose of breeding.” This fact he does not attempt to account for; he has no turn for speculation. He contents himself with saying that “this, in any other situation, might not have been so nicely remarked; but here, where a country was to be stocked, a litter of twelve pigs whereof three only were females became a subject of con-

* Account of the Colony, pp. 72, 89.

versation and inquiry." It did not occur to Collins, or any 1798-1802 of his friends, that the pigs were only carrying out the principle on which Lord Sydney had acted in populating the colony—an excess of males to females, by four to one. Another event which might have induced a less serious chronicler to relax was the first performance of a play by The first theatre. the convicts, "in a hut fitted up for the occasion." They were allowed to amuse themselves in this manner on the occasion of his Majesty's birthday in 1789, Farquhar's comedy—the Recruiting Officer—being the piece selected. A sketch of the performance, a copy of the prologue, or any other information of the kind, might well have found a place in the chronicler's pages; but he confines himself to the Risum teneatis? remark that the performers "professed no higher aim than 'humbly to excite a smile,' and their efforts to please were not unattended with success."

Collins having left the colony in September, 1796, and remained in England until he received his commission as Lieutenant-Governor of the projected colony at Port Phillip in 1803, the materials for the second volume of his work, published in 1802, were necessarily furnished by another hand; but whose the hand that furnished them was not mentioned by him, and consequently the authorship of the An unknown author. second volume was never made known. There is no difficulty, however, in discovering the author; internal evidence being quite sufficient to show that the journal which forms the contents of the volume was written by Governor Hunter. He left the colony in September, 1800, and the narrative closes with an account of his embarkation. The only allusion made by Collins to the question of authorship is in his preface, in which he says that the very flattering reception which his first volume had met with had induced him to continue his labours in the character of historian; Governor Hunter. "having been furnished with materials for this purpose, on the authenticity of which I can safely stake my credit." So far as style is concerned, there is a good deal more resemblance than contrast between the two volumes; Hunter

1798-1802 having had no difficulty in adopting the melancholy air and manner which distinguish his predecessor; as if, when sitting down to write, he had wrapped himself up in the inky cloak which Collins had left behind him for the purpose. The reader is too often reminded of the propensity for moralising on the iniquity of human nature which figures so prominently in the first volume. At the same time, Hunter did not neglect the opportunity for displaying the nature and extent of his own services, as well as defending himself from charges which he knew might be made against his administration. The energy unconsciously displayed in passages of this description reveals the author's hand; as, for instance, where he tells us (p. 86)—in reference to the trading monopoly which the officers of the New South Wales Corps had succeeded in establishing—"it must have been evident to every one who had sense to see it, that the Governor, from the hour of his arrival, had used his utmost endeavours to put an end to the practice of so much imposition." That fact is not made at all so clear to the reader as might be wished; more especially as Hunter, for reasons which he does not explain, carefully refrains from any explanation on the subject, or any allusion to the officers concerned. His reserve is the more remarkable because, during his residence among them, those gentlemen had encircled him in their folds like so many cobras. He endured the painful struggle for five years; and then, finding that the only means by which he could shake them off was by leaving the colony in their grasp, he said good-bye to them in an order in which he expressed his admiration for their services, and the confidence he had so long reposed in them.

Authorship
revealed.

Delicate
subject.

Laocoön.

PART II.

THE FOUNDATION OF THE COLONY.

PHILLIP'S first despatch from Sydney Cove is dated 15th May, 1788. From the day of his arrival in the Supply, on the 25th January, to the date of his despatch, his time had been fully employed in getting the settlement into some degree of order, and in exploring the country round about it. It was his practice at that time to keep a journal, in which he set down "the little incidents" of his life from day to day, and from which he subsequently wrote his letters to the Secretary of State. The first was necessarily a lengthy one, but its contents are of peculiar interest in the present day. There is no similar record in which the story of the foundation of a great colony is told with so much personal interest. The events connected with the settlement of the American colonies were not chronicled until long after the principal actors had disappeared from the scene, and consequently their early history is buried in obscurity. But the despatches written by Phillip contain a narrative so clear and graphic in its way that the reader can find no difficulty in realising the scenes he describes, or in following the course of events to which he refers.

Phillip's
Journal.

Personal
interest.

It will be observed that he does not make any mention of the public ceremony which took place on the 26th January—the day after his arrival—when the British flag was unfurled at the head of Sydney Cove. On the evening of that day, Phillip and the party that had arrived with him in the Supply from Botany Bay the day before, assembled at the point where they had first landed in the morning, and on which a flagstaff had been erected. There, with the Union Jack flying over their heads, he proposed several toasts—

A new
Britannia
in another
world.

1788 King George the Third, the Royal Family, and Success to
 26 January. the New Colony—which were duly honored by the officers
 who stood round him ; the ceremony concluding with several
 Three toasts. volleys from the marines. The day had been uncommonly
 fine, as Collins tells us ; and it concluded with the safe arrival
 of the *Sirius* and the other ships from Botany Bay—the
 voyage thus terminating with the same good fortune that
 had attended it so conspicuously from the beginning.

The formal proclamation of the colony did not take place
 until the 7th of February, by which time all the people on
 board the ships had been landed and placed under cover on
 shore. That was “the memorable day which established
 a regular form of government on the coast of New South
 Wales.”* On the slope of Point Maskelyne—afterwards
 known as Dawes’ Point—the marines were drawn up under
 arms, the convicts stationed apart, and the Governor, sur-
 rounded by his officers, called upon Captain Collins, the
 Judge-Advocate, to read aloud the various documents which
 contained within them the essential powers of government.
 The first was the Commission appointing Phillip Captain-
 General and Governor-in-Chief in and over the territory
 of New South Wales and its dependencies.† Then came
 the Act of Parliament, passed the year before, to enable
 his Majesty to establish a colony and a civil government,
 and for that purpose to erect a Court of Criminal Judi-
 cature for the trial of outrages and misbehaviours. After
 the Act, the Judge-Advocate proceeded to read out the
 Letters Patent constituting the Courts of Civil and Criminal
 Judicature, and also the Vice-Admiralty Court for the trial
 of piracies and other offences on the seas.‡

When these documents had been disposed of, Phillip
 proceeded to address the assembly ; his remarks being
 directed in the first instance to the soldiers, and in the

* Phillip’s Voyage, p. 64 ; Collins, p. 7.

† Post, p. 474. The original Commission is missing.

‡ *Ib.*, pp. 531, 537. The original Letters Patent, engrossed on parchment
 rolls, are in the Record Office, Sydney.

second to the convicts. Among those who were present on the occasion, there were three members of his staff who attentively noted what he said, and afterwards recorded their recollections of it—Captain Collins, Captain Tench, and Surgeon White. Captain Hunter was also present, no doubt, but he made no reference to the speech or the proceedings in his book. The fullest report of the speech appeared in Phillip's *Voyage*; but it is not easy to say on what authority it was written, seeing that Phillip himself made no allusion to it in his despatches. The only reference made by him to the matter appears in his letter to Evan Nepean of the 9th July, in which he said that "his Majesty's Commission, with that for establishing the Courts of Civil and Criminal Judicature, were read soon after landing." The speech, as it appears in Phillip's *Voyage*, was probably written by the editor of that work from some private account of it sent to the Government with the despatches :—

1788

7 February.

Reporters present.

Official version.

Governor Phillip advanced, and addressing first the private soldiers, thanked them for their steady good conduct on every occasion, an honour which was repeated to them in the next general orders. He then turned to the convicts, and distinctly explained to them the nature of their present situation. The greater part, he bade them recollect, had already forfeited their lives to the justice of their country; yet, by the lenity of its laws, they were now so placed that, by industry and good behaviour, they might in time regain the advantages and estimation in society of which they had deprived themselves. They not only had every encouragement to make that effort, but were removed almost entirely from every temptation to guilt. There was little in this infant community which one man could plunder from another, and any dishonest attempts in so small a society would almost infallibly be discovered. To persons detected in such crimes, he could not promise any mercy; nor indeed to any who, under these circumstances, should presume to offend against the peace and good order of the settlement. What mercy could do for them they had already experienced; nor could any good be now expected from those whom neither past warnings, nor the

Encouragement to the industrious.

Warning to offenders.

1788 peculiarities of their present situation, could preserve from guilt.
 7 February. Against offenders, therefore, the rigour of the law would certainly be put in force, while they whose behaviour should in any degree promise reformation might always depend upon encouragement fully proportioned to their deserts.

Advice to
 marry.

He particularly noticed the illegal intercourse between the sexes as an offence which encouraged a general profligacy of manners, and was in several ways injurious to society. To prevent this, he strongly recommended marriage, and promised every kind of countenance and assistance to those who, by entering into that state, should manifest their willingness to conform to the laws of morality and religion. Governor Phillip concluded his address by declaring his earnest desire to promote the happiness of all who were under his government, and to render the settlement in New South Wales advantageous and honourable to his country.*

The account written by Collins omits all reference to the remarks addressed to the marines, and also the advice given to the convicts on the subject of marriage:—

Encourage-
 ment and
 warning.

The ceremony of reading these public instruments having been performed by the Judge-Advocate, the Governor, addressing himself to the convicts, assured them, among other things, that “he should ever be ready to show approbation and encouragement to those who proved themselves worthy of them by good conduct and attention to orders; while, on the other hand, such as were determined to act in opposition to propriety, and observe a contrary conduct, would inevitably meet with the punishment which they deserved.” He remarked how much it was to their interest to forget the habits of vice and indolence in which too many of them had hitherto lived; and exhorted them to be honest among themselves, obedient to their overseers, and attentive to the several works in which they were about to be employed.†

* Phillip's Voyage, p. 65.

† Surgeon White also reported the speech briefly:—“After this was done, the troops under arms fired three volleys; when his excellency thanked the soldiers for their steady and good conduct; which Major Ross caused to be inserted in the general order-book. The Governor then addressed the convicts in a short speech, extremely well adapted to the people he had to govern, and who were then before him. Among many circumstances that would tend to their future happiness and comfort, he recommended marriage; assuring them that an indiscriminate and illegal intercourse would be punished with the greatest severity and rigour. Honesty, obedience, and industry, he told them, would make their situation com-

While the wording of these reports presents some points of difference, they nevertheless agree in substance. The words of encouragement offered to industry and good conduct, and the emphatic warning with respect to the consequences of any further criminality—which naturally formed the essence of Phillip's remarks—appear in each account of them. The advice to marry is not mentioned by Collins or Tench; but the former relates that, before the end of the month, "several couples were announced for marriage"—a virtuous resolution which was found to originate in a belief that "married people would meet with various little comforts and privileges denied to those in a single state." Phillip had foreseen the dilemma which was sure to arise whenever the question of intercourse between the sexes should become a subject for serious consideration, and had even contemplated the expediency of expressly permitting prostitution, within certain limits.* But the difficulty of dealing with such a subject officially made itself felt as soon as he turned his attention to it, and the result was that he made no regulation of the kind, contenting himself with a strong exhortation in favour of marriage. By refraining from making any order at all, he

1788

7 February.

Points of agreement.

Mariages de convenance.

The social evil.

comfortable; whereas a contrary line of conduct would subject them to ignominy, severity, and punishment."—*Journal*, p. 124.

Tench condensed his account of it into a few lines:—"When the Judge-Advocate had finished reading, his excellency addressed himself to the convicts in a pointed and judicious speech, informing them of his future intentions, which were, invariably to cherish and render happy those who showed a disposition to amendment; and to let the rigour of the law take its course against such as might dare to transgress the bounds prescribed."—*Narrative*, p. 66.

The "Speech of Phillip" in Flanagan's *History of New South Wales*, pp. 30-34, is clearly fictitious. We have only to compare it with the reports written by the witnesses in whose hearing it was delivered, and who afterwards wrote their independent accounts of it in their journals, to see that the speech attributed to Phillip by Flanagan is an effort of the imagination. A similar production, attributed to Captain Cook, which appears in pp. 18-19 of the same work, is equally fictitious. Apart from other evidence on the point, the use of the word *Australia* in the Phillip speech is enough to show that it was not written in 1788. Some passages from it were quoted in the House of Assembly by Sir Patrick Jennings, then Premier, when moving certain resolutions for the celebration of the Centennial year of the colony.—*Hansard*, 23 September, 1886.

* *Ante*, p. 39.

1788 left matters to take their own course. But on two points

7 February. he felt compelled to legislate. One of his first public

Phillip's
legislation.

orders was directed to the prevention of disease. Another was subsequently framed for the purpose of correcting a curious notion which had got abroad on the subject of marriage. It was commonly believed that the ceremony performed in the colony was not valid, and that husbands could throw off the conjugal tie at their pleasure when leaving the country. Phillip therefore ordered that "none should be permitted to quit the colony who had wives or children incapable of maintaining themselves, and likely to become burdensome to the settlement, until they had found sufficient security for the maintenance of such wives or children as long as they might remain after them."* It was in this matter that the first fruits of the Government policy began to show themselves. The exclusion of free settlers was, in fact, the exclusion of morality itself. Apart from that, the necessity for equalising the sexes on such an occasion should have been obvious; but not only was that matter disregarded—the proportion between males and females being nearly four to one—but the women sent out were mostly, according to Phillip, "very abandoned wretches." The result was beyond any power to control.

Deserted
wives.

First
despatch.

Phillip began his first despatch to Lord Sydney† by referring to his departure from the Cape, and his arrangements for arriving early at the scene of operations in Botany Bay:—

Departure
from the
Cape.

I had the honor of informing your lordship by Captain Cox, who was returning to Europe from Madras, that I was ready to sail from the Cape of Good Hope, and which I did, with the ships under my command, the 12th of November.

Phillip
leaves the
Sirius.

The 25th, being eighty leagues to the eastward of the Cape, I left the Sirius and went on board the Supply, tender, in hopes,

* Collins, pp. 26, 159.

† Phillip's despatches were addressed to the Secretary of State for the Home Department, the colonies not being at that time specially represented in the Government. Post, p. 549.

by leaving the convoy, to gain sufficient time to examine the country round Botany Bay, and fix on the most eligible situation for the colony before the transports arrived. At the same time I ordered the agent for the transports in the *Alexander* to separate from the convoy with that ship, the *Scarborough*, and *Friendship*. They sailing better than the others, I had reason to expect their arrival soon after the *Supply*, and by having the labour of the convicts they had on board, much might be done in preparing for the landing the stores and provisions.

1788

15 May.

Major Ross now left the *Sirius* and went on board the *Scarborough*, that he might be with that part of the detachment which would probably be the first landed.

Major Ross.

Captain Hunter, in the *Sirius*, was to follow with the stores and the remainder of the transports, and he had the necessary instructions for his future proceedings, should the *Supply* meet with any accident.

Captain Hunter.

The westerly winds we now had continued till the 3rd of January, when we saw the coast of New South Wales, but the winds which had been so favourable having seldom been to the eastward, and then for a few hours only, blowing from the N.W. to the S.W., generally very strong gales, now left us, and we had variable winds with a current that at times set very strong to the southward, so that we did not arrive at Botany Bay before the 18th.

Coast-line sighted, 3 January.

Arrival at Botany Bay, 18 January.

The *Alexander*, *Scarborough*, and *Friendship*, came in the next day, and the *Sirius*, with the rest of the ships, the day after. Those ships had continued very healthy.

The Fleet at anchor.

The *Supply* sailing very badly had not permitted my gaining the advantage hoped for; but I began to examine the bay as soon as we anchored, and found that, tho' extensive, it did not afford shelter to ships from the easterly winds, the greater part of the bay being so shoal that ships of even a moderate draught of water are obliged to anchor with the entrance of the bay open, and are exposed to a heavy sea that rolls in when it blows hard from the eastward.

The bay examined.

Several small runs of fresh water were found in different parts of the bay, but I did not see any situation to which there was not some very strong objection.* The small creek that is in the

Fresh water.

* Phillip's Voyage, p. 45; Collins, p. 2; Hunter, p. 42; Tench, p. 48.

1788 northern part of the bay runs a considerable way into the country,
15 May. but it had only water for a boat ; the sides of this creek are frequently overflowed, and the low lands are a swamp. The western branch runs up for a considerable distance, but the officers I sent to examine it could not find any water except in very small drains.

Cook's
River.

Point
Sutherland.

The best situation that offered was near Point Sutherland, where there was a small run of good water ; but the ground near it, as well as a considerable part of the higher ground, was spongy, and the ships could not approach this part of the bay.

Unpromis-
ing site for
the colony.

Several good situations offered for a small number of people, but none that appeared calculated for our numbers, and where the stores and provisions could be landed without a great deal of time. When I considered the bay's being so very open, and the probability of the swamps rendering the most eligible situation unhealthy, I judged it advisable to examine Port Jackson ; but that no time might be lost if I did not succeed in finding a better harbour and a proper situation for the settlement, the ground near Point Sutherland was in the meantime to be cleared, and preparations made for landing under the direction of the Lieutenant-Governor.

Port
Jackson
to be
examined.

A boat
voyage.

As the time in which I might be absent, if I went in the Supply, must have been very uncertain, I went round with three boats, taking with me Captain Hunter and several officers, that, by examining different parts of the port at the same time, less time might be lost.*

The finest
harbour in
the world.

We got into Port Jackson early in the afternoon, and had the satisfaction of finding the finest harbour in the world, in which a thousand sail of the line may ride in the most perfect security,

* Phillip's Voyage, p. 47 ; Collins, p. 3 ; Hunter, p. 42 ; Tench, p. 48. According to Hunter, it was Phillip's intention to steer for Broken Bay in the first instance. "In this examination, a large opening, or bay, about three leagues and a half to the northward of Cape Banks, was the first place we looked into: it had an unpromising appearance on entering between the outer heads or capes that form its entrance, which are high, rugged, and perpendicular cliffs ; but we had not gone far in before we discovered a large branch extending to the southward ; into this we went, and soon found ourselves perfectly land-locked, with a good depth of water. We proceeded up for two days, examining every cove or other place which we found capable of receiving ships ; the country was also particularly noticed, and found greatly superior in every respect to that round Botany Bay. The Governor, being satisfied with the eligibility of this situation, determined to fix his residence here, and returned immediately to the ships."—p. 135 n.

and of which a rough survey, made by Captain Hunter and the officers of the *Sirius* after the ships came round, may give your lordship some idea. 1788 15 May.

The different coves were examined with all possible expedition. I fixed on the one that had the best spring of water, and in which the ships can anchor so close to the shore that, at a very small expense, quays may be made at which the largest ships may unload. This cove, which I honored with the name of Sydney, is about a quarter of a mile across at the entrance, and half a mile in length. Sydney Cove.

We returned to Botany Bay the third day, when I received a very unfavourable account of the ground that was clearing. The ships immediately prepared to go round, and the 25th, seven days after I arrived in the *Supply*, I sailed in her for Port Jackson, leaving Captain Hunter to follow with the transports, it then blowing too strong for them to work out of the bay. They joined me the next evening, and all the transports were moored in the cove. Return to Botany, and back to Port Jackson. 25 January.

The arrival of the French ships under La Pérouse is referred to by Phillip in a paragraph in which he gives the result of Lieutenant King's interview with the French commander. There is no mention of any personal communication between the representatives of the two nations, or of any visit paid by La Pérouse to Phillip; but hospitalities were frequently exchanged between the French and English officers, and great cordiality seems to have been shown on both sides.

Two sail had appeared off Botany Bay the 24th under French colours, and anchored there before the *Sirius* left—the *Boussole* and the *Astrolabe*.* These ships were commanded by Mons. de la Pérouse, who, having expressed a desire of sending letters to Europe, I sent an officer over, it being only eight miles, to tell him in what time it was probable the ships might sail. Captain Clonard had left the ships in one of their boats the same morning, and Lieutenant Shortland, the agent for the transports, is charged with the letters he brought; they are addressed to the French ambassadors. The officer I sent over was informed that Mons. de la Pérouse sailed from France in June, 1785, that he had been to Santa Catherina, La Pérouse at Botany Bay. His track.

* Phillip's Voyage, p. 53; Collins, p. 4; Hunter, p. 43; White, p. 119; Tench, p. 49.

1788 had run along the coast of Chili and California, and had been at
 15 May. Easter Island, Nootka Sound, Cook's River, Kamschatka, Manilla, Isles des Navigateurs, Sandwich and the Friendly Islands. He had likewise anchored off Norfolk Island, but could not land on account of the surf.

Laying the foundation.

After a short account of the massacre at Navigators' Islands, by which the French lost the captain of the *Astrolabe* with eleven officers and men, Phillip then returns to affairs at the settlement, describing the difficulties encountered in the efforts to clear the ground and put up the necessary buildings. The trees growing at the head of Sydney Cove were so large that the labour of removing them, after they were cut down, proved a serious obstacle to progress; while the land in the neighbourhood was so rocky that cultivation to any considerable extent seemed out of the question. Phillip was consequently driven to "prospect" the country in all directions for any available patch of good soil that would serve the purpose of a farm—a very different state of affairs from that which he had been led to expect from the descriptions in Cook's Voyage of the rich meadow lands at Botany Bay.

Trees and rocks.

Clearing the ground.

The clearing the ground for the people, and for erecting store-houses, was begun as soon as the ships got round, a labour of which it will be hardly possible to give your lordship a just idea.

Rocky country.

Heavy timber.

The necks of land that form the different coves, and near the water for some distance, are in general so rocky that it is surprising such large trees should find sufficient nourishment; but the soil between the rocks is good, and the summits of the rocks, as well as the whole country round us, with few exceptions, are covered with trees, most of which are so large that the removing them off the ground, after they are cut down, is the greatest part of the labour; and the convicts, naturally indolent, having none to attend them but overseers drawn from amongst themselves, and who fear to exert any authority, makes this work go on very slowly.

Reasons for selecting Sydney Cove.

Your lordship will permit me to observe that our situation, though so very different from what might be expected, is nevertheless the best that offered. My instructions did not permit me to detain the transports a sufficient length of time to examine the

coast to any considerable distance. It was absolutely necessary to be certain of a sufficient quantity of fresh water, in a situation that was healthy, and which the ships might approach within a reasonable distance for the conveniency of landing the stores and provisions; and I am fully persuaded that we should never have succeeded had it been attempted to move them only one mile from where they were landed. There are some parts of this harbour where the trees stand at a considerable distance from each other, and where there are small runs of water, which shall be cultivated when our numbers permit; and when the country can be examined, I make no doubt but some good situations will be found that have water, which I have never yet been able to find either in Botany Bay, or in this harbour, but in very small streams.

1788

15 May.

Fresh water and convenient landing.

Want of water.

Some land that is near, and where the trees stand at a considerable distance from each other, will, as soon as convicts can be spared, be cultivated by the officers for raising a little corn for their stock, and this I have endeavoured to promote as much as possible, for I fear the consequences if a ship should be lost in her passage out with provisions.*

Cultivation by the officers.

As there are only twelve convicts who are carpenters, as many as could be procured from the ships have been hired to work on the hospital† and store-houses. The people were healthy when landed, but the scurvy has for some time appeared amongst them, and now rages in a most extraordinary manner. Only sixteen carpenters could be hired from the ships, and several of the convict carpenters were sick. It was now the middle of February; the rains began to fall very heavy, and pointed out the necessity of hutting the people; convicts were therefore appointed to assist the detachment in this work.

Carpenters wanted.

Heavy rains in February.

The immediate occupation of Norfolk Island being one of Phillip's instructions, no time was lost in carrying it out.

A branch colony.

* This fear was realised when H.M.S. Guardian, under the command of Lieutenant Riou, with stores and provisions for the colony, was lost on the voyage out in December, 1789. Collins, p. 115.

† According to Péron, the building used as the hospital was brought out in pieces from England:—Plus loin se présentent les grands bâtimens de l'hôpital, susceptibles de recevoir deux ou trois cents malades: il faut distinguer parmi ces bâtimens celui dont toutes les pièces, préparées en Europe, furent apportées dans les vaisseaux du commodore Phillip, et qui, peu de jours après l'arrivée de la flotte, se trouva en état de recevoir les malades qu'elle avoit abord—Voyage, vol. i, p. 369. According to Phillip, the hospital was not completed in May; post, p. 292.

1788

15 May.

Settlement
of Norfolk
Island.King recom-
mended.

February the 14th the Supply sailed for Norfolk Island, with Philip Gidley King, second lieutenant of his Majesty's ship *Sirius*, for the purpose of settling that island. He only carried with him a petty officer, surgeon's mate, two marines, two men who understood the cultivation of flax, with nine men and six women convicts. Their numbers shall be increased when a small detachment of marines can be spared. I have the honor of transmitting your lordship a copy of the order and instructions* given to that officer, and I beg to recommend him as an officer of merit, whose perseverance in that or any other service may be depended on.

Phillip then proceeds to relate his efforts to explore the country in the neighbourhood of the settlement—the first point to which he directed his steps being Broken Bay.

Broken Bay.

The 2nd of March I went with a long-boat and cutter to examine the broken land mentioned by Captain Cook, about eight miles to the northward of Port Jackson.† We slept in the boat that night within a rocky point in the northward part of the bay, which is very extensive, as the natives, though very friendly, appeared to be numerous; and the next day, after passing a bar that had only water for small vessels, entered a very extensive branch, from which the ebb tide came out so strong that the boats could not row against it in the stream, and here was deep water. It appeared to end in several small branches, and in a large lagoon that we could not examine for want of time to search for a channel for the boats amongst the banks of sand and mud. Most of the land on the upper part of this branch was low and full of swamps. Pelicans and a variety of birds were here seen in great numbers leaving this branch, which I called the north-west branch. We proceeded across the bay and went into the south-west branch, which is very extensive, and from which a second branch runs to the westward, affording shelter for any number of ships, and as far as we examined, there is water for the largest ships, having seven fathoms at the entrance and deeper water as you go up, but the almost continual rains prevented any kind of survey. Here the land is much higher than at Port Jackson, more rocky, and equally covered with timber, large trees growing on the summits of mountains that appeared to be accessible to birds only.

The
branches.Rocks and
trees.

* Post, p. 527.

† "Some broken land that seemed to form a bay."—Hawkesworth, vol. iii, p. 507.

Immediately round the headland that forms the southern entrance into the bay there is a third branch, which I think the finest piece of water I ever saw, and which I honored with the name of Pittwater ; it is, as well as the south-west branch, of sufficient extent to contain all the navy of Great Britain, but has only eighteen feet at low water on a narrow bar, which runs across the entrance ; within the bar there are from seven to fifteen fathoms water. The land here is not so high as in the south-west branch, and there are some good situations where the land might be cultivated. We found small springs of water in most of the coves, and saw three cascades falling from a height which the rains then rendered inaccessible. I returned to Port Jackson, after being absent eight days in the boats. Some of the people feeling the effects of the rain, which had been almost constant, prevented my returning by land, as I intended, in order to examine a part of the country which appeared open and free from timber.*

1788

15 May

Pittwater.

Cascades.

Norfolk Island again forms a subject of comment—Lieutenant Ball's return from it having enabled Phillip to give some account of its capabilities, based on Lieutenant King's report. The discovery of Lord Howe Island is also noted.

Lieutenant Ball, who commands the Supply, arrived the 19th of March. He made Norfolk Island on the 29th of February, and was five days before a place could be found at which it was possible to land the provisions, and saw very few places at which it was possible to land a man, so completely do the rocks surround that island. They succeeded, however, having found a small opening in a reef that runs across a bay that is at the south end of the island, and the six months' provisions were all safely landed. Lieutenant King describes this island as one entire wood, without a single acre of clear land that had been found when the Supply left them, and says that the pine trees rise fifty and sixty feet before they shoot out any branches. There are several other kinds of timber on the island, which, as far as he could examine it, was a rich black mould with great quantities of pumice stone. The trees are so bound together by a kind of supple-jack that the penetrating into the interior parts of the island was very difficult. Several good springs of water were found, and I apprehend his

Norfolk Island.

King's description.

* Phillip's Voyage, p. 76 ; Collins, p. 19.

1788 Majesty's ships in the East Indies may be supplied from this
15 May. island with masts and yards, which will render it a very valuable acquisition. The cultivation of the flax plant will be attended to when people can be sent to clear the ground.

Lord Howe Island. A small island being seen in the passage to Norfolk Island, Lieutenant Ball examined it on his return, and says it abounds in turtle, but unfortunately has no good anchoring-ground. He named it after Lord Howe. It is in 31' 36" south latitude, and 159° E. longitude. Part of this island may be seen sixteen leagues, and a rock that is five leagues to the southward and eastward of this island may be seen eighteen leagues.

The transports. The Charlotte, Scarborough, and Lady Penrhyn, transports, were cleared of all their stores, and discharged from Government employ the 24th and 25th of March, and left at liberty to proceed to China when they judged proper; the other ships remain till store-houses can be finished.

The first Criminal Court. The first sitting of the Criminal Court took place on the 11th February, and was followed by another before the end of the month, when six men were condemned to death. Phillip's reference to the proceedings on that occasion shows his belief in exile as a better means of punishment than hanging.

Exile. Your lordship will not be surprised that I have been under the necessity of assembling a Criminal Court.* Six men were condemned to death—one, who was the head of the gang, was executed the same day; the others I reprieved. They are to be exiled from the settlement; and when the season permits, I intend they shall be landed near the South Cape, where, by their forming connections with the natives, some benefit may accrue to the public. These men had frequently robbed the stores and the other convicts. The one who suffered and two others were condemned for robbing the stores of provisions the very day they received a week's provision, and at which time their allowance, as settled by the Navy Board, was the same as the soldiers, spirits excepted; the others, for robbing a tent and for stealing provisions from other convicts.

Live stock and fish. Part of the live stock brought from the Cape, small as it was, has been lost, and our resource in fish is also uncertain; some

* Collins, p. 9; White, p. 127; Tench, p. 73.

days great quantities are caught, but never sufficient to save any part of the provisions, and at times fish are scarce. 1788
15 May.

Your lordship will, I presume, see the necessity of a regular supply of provisions for four or five years ; and of cloathing, shoes, and frocks in the greatest proportion. The necessary implements for husbandry, and for clearing the ground, brought out, will with difficulty be made to serve the time that is necessary for sending out a fresh supply. Provisions and stores.

Phillip had not been long in the country before he began to feel more than doubtful about the prospect of obtaining sufficient supplies from it to keep his people alive. He saw that little or nothing could be expected from the cultivation of the soil for some time, partly because the land in the neighbourhood of the settlement was unfit for the purpose, and partly because there were no men in it who had any practical knowledge of farming. Had it been otherwise, there would still have remained the necessity of storing the crops raised during the first two years for seed, the supply sent out in the first instance having proved worthless. As he explained in a subsequent despatch, "all the seed wheat, and the greatest part of the other grains and seeds brought from England, had been heated in the long passage," and very little of what was sown had vegetated. The food question. Cultivation. Seed.

Equal difficulties were experienced with the live stock. Sheep and cattle did not seem to thrive on the native grasses ; the sheep were killed by them, and the cattle escaped into the interior in search of better feed as soon as they got loose. The natural resources of the country in the shape of fish and wild game were too uncertain to depend upon. The fish deserted the harbour at the approach of winter, and even in summer the supply was never sufficient to prove a substitute for ordinary rations. As soon as the pressure of hunger began to be felt, fishing and shooting parties were organised and despatched in different directions ; but with all their efforts they could not do more than furnish small quantities of fresh food, invaluable no doubt to people who had to live mainly on Sheep and cattle. Fish and game.

1788 salt provisions, but altogether insufficient to depend upon.

15 May. The wild vegetables, fruits, and berries which grew in the neighbourhood were eagerly sought after, and proved useful

Wild plants. in the treatment of scurvy and dysentery; the native tea plant was largely used as a substitute for tea-leaves; but notwithstanding all the assistance that could be obtained from these sources, the difficulty of keeping up the supply of food increased steadily from day to day.

Official
indifference.

Phillip's foresight led him to dwell upon this matter with increasing emphasis in every despatch he wrote. His uneasiness on the subject is manifest in every line. He knew too well, from his painful experience when preparing for the voyage out, how difficult it was to awaken any interest in the official mind as to the fate of the Expedition; he knew the risk of a store-ship being lost on the passage, and the length of time that must elapse before the loss could become known in England; and he knew that fresh ship-loads of convicts, as useless as the first, would probably be sent out to him without any regard to the position in which he might be placed. His repeated references to these matters, however—in his letters to Nepean as well as in his despatches to Sydney—proved of no avail; the dismal events he dreaded and predicted came to pass; and as a last resort he recalled Lieutenant King from Norfolk Island early in 1790 and sent him to England, in order to make the state of affairs known to Ministers in some more moving shape than a despatch. If the wreck of the *Sirius* in March of that year made every heart in the little colony tremble, the loss of the *Guardian* in December, 1789, followed by the arrival of the Second Fleet with nearly a thousand sickly convicts, was a still more appalling disaster.

Convict
labour.

The labour of the convicts shall be, as is directed, for the public stock; but it is necessary to permit a part of the convicts to work for the officers, who, in our present situation, would otherwise find it impossible to clear a sufficient quantity of ground to raise what is absolutely necessary to support the little stock they have; and

I am to request that your lordship will be pleased to direct me to what extent that indulgence may be granted the officers of the garrison. 1788 15 May.

The Sirius shall be sent to the northward to barter for stock, and which shall be employed solely for the purpose of increasing the breed of such cattle as she may procure. The Supply is noways calculated for this service, as in the least sea her decks are full of water. Live stock.

The very small proportion of females makes the sending out an additional number absolutely necessary ; for I am certain your lordship will think that to send for women from the islands, in our present situation, would answer no other purpose than that of bringing them to pine away in misery. Females wanted.

One of the many mistakes made by the Government in organising the Expedition is seen in Phillip's reference to the want of proportion between the sexes. Out of a total number of seven hundred and fifty-six convicts put on board the transports, there were only one hundred and ninety-two women, or one in four ; many of whom were old and enfeebled by disease. The character of these women, and the difficulty of holding them under restraint, may be judged from Surgeon White's account of their gambols during the passage out.* With such an excess of males to females, it was a desperate effort of the imagination to suppose that the morals of the community could be sensibly improved by means of marriage ; since if every woman had found a husband, there would still have been three hundred and seventy-two men left without any chance of obtaining wives. This defect in the organisation of the colony was not unknown to the Government before the First Fleet sailed ; but they seem to have thought that an easy remedy might be found by procuring women from the islands in the Pacific. This idea appears to have been prevalent in England at the time ; probably originating in the highly-coloured descriptions of female beauty in the tropical islands which became popular after the publication Domestic troubles. Excess of males. Island women.

* Journal, pp. 30, 31.

1788 of Cook's Voyages. Instead of equalising the sexes in the
 15 May. first instance, the Government instructed Phillip to get women from the islands at every opportunity.* No objection to such a heartless proceeding presented itself to Sydney or his colleagues, so long as neither "compulsive measures" nor "fallacious pretences" were made use of for the purpose; nor were they deterred by the prospect of creating such a race as would have resulted from the intermixture of convicts and savages.

Ministerial
policy.

Phillip's
view.

Wives for
colonists.

Unprofitable
cargo.

Although Phillip, while in England,† entertained the common idea that island women might be added to the population as easily as live stock, a very short experience in the colony seems to have satisfied him that it would "answer no other purpose than that of bringing them to pine away in misery." The only course he could adopt under the circumstances was to represent the futility of the proposal, and the consequent necessity for sending out more women as soon as possible. The result was that two hundred and twenty-two females, "many of them," says Collins, "loaded with the infirmities incident to old age," were sent out in the next transport—the *Lady Juliana*—which arrived in June, 1790, two years after Phillip's despatch was written. In recording her arrival, Collins, apparently unmindful of the social problem which Phillip had to solve, expressed his surprise that "a cargo so unnecessary and unprofitable as two hundred and twenty-two females" should have been sent out, instead of a supply of provisions. But circumstances had altered during the interval between the date of Phillip's request for more women and the arrival of the *Lady Juliana*.

* Post, p. 486. The official estimate of expenditure in connection with the Expedition contains the following item:—"Women intended to be brought from the Friendly Islands, two hundred at half allowance, £100." In the semi-official sketch of the Expedition, referred to in Lord Sydney's letters to the Treasury and Admiralty, it was proposed that the tender should be "employed in conveying to the new settlement a further number of women from the Friendly Islands, New Caledonia, &c."; because, "without a sufficient proportion of that sex, it would be impossible to preserve the settlement from gross irregularities and disorders"; post, p. 434.

† Ante, pp. 40, 46.

The lapse of time had brought a much more pressing difficulty to the surface—that of providing the population with food. 1788
15 May.

I have had the honor of informing your lordship that this harbour is, in extent and security, very superior to any other that I have ever seen, containing a considerable number of coves formed by narrow necks of land, mostly rocks, covered with timber; and the face of the country, when viewed from the harbour, is the same, with few exceptions. The neck of land between the harbour and the coast is mostly sand. Between that part of the harbour in which the settlement is made and Botany Bay, after you pass the wood which surrounds us, and which in some parts is one and a half, in others three miles across, the country is a poor sandy heath full of swamps. The country towards the head of the bay* is covered with timber, and here the land appears less rocky, and the trees stand in some parts at a greater distance; but the head of the bay being left dry in several parts at low water, and the winds being obstructed by the woods and the different windings of the channel, must, I conceive, render this part of the harbour unhealthy till the country can be cleared. As far as the eye can reach to the westward, the country appears to be one continued wood.

The
harbour.

The country
between
Sydney
Cove and
Botany Bay.

Parramatta
River.

Phillip was not at all disposed to be enthusiastic in his views of things, but there were at least two exceptions to the rule. When he first mentioned the harbour of Port Jackson, he pronounced it "the finest harbour in the world"; and, when referring to it again, he declared it to be, "in extent and security, very superior to any other that I have ever seen." Familiar as he was with the principal harbours in the world, he evidently ranked Port Jackson far beyond the best of them. He spoke with equal confidence on another point—the future of the colony he had founded. His opinion of it was expressed repeatedly in the strongest terms, and that too at a time when others were proclaiming it a failure, and writing pitiful lamentations over it to their friends in England. Notwithstanding

The
harbour.

The future
of the
colony.

* Port Jackson, not Botany Bay. By "the head of the bay," Phillip meant the Parramatta River.

1783 the difficulties by which they were surrounded, it seemed
15 May. to him "the most valuable acquisition Great Britain ever
made"; an opinion which was not based on first impressions
only, but on a careful examination of the country, day by
day.

Timber. The timber is well described in Captain Cook's Voyage, but unfortunately it has one very bad quality, which puts us to great inconvenience; I mean the large gum-tree, which splits and warps in such a manner when used green, and to which necessity obliged us, that a store-house boarded up with this wood is rendered useless. The timber which in its growth resembles the fir-tree warps less, but we are already obliged to fetch it from some distance, and it will not float. Here are a variety of palm-trees, and the heaths that are free from timber are covered with a variety of the most beautiful flowering shrubs. Wild celery, spinage, samphire, a small wild fig, and several cherries, which have proved very wholesome, particularly the leaves of a small shrub which is found in such plenty that it has not yet failed us, as most of the others have done. What seeds could be collected are sent to Sir Joseph Banks, as likewise the red gum taken from the large gum-tree by tapping, and the yellow gum which is found on the dwarf palm-tree.

Palm-trees.
Wild
flowers.
Wild
vegetables
and fruits.
Specimens
for Sir
Joseph.

The small quantity of flax that has been procured is sufficient to show the quality, but the flax plant described by Captain Cook I have never met with, nor had the botanists that accompanied Monsieur de la Pérouse found it when I saw them, and which was some time after they arrived. And here, my lord, I must beg leave to observe with regret that, being myself without the smallest knowledge of botany, I am without one botanist, or even an intelligent gardener, in the colony; it is not therefore in my power to give more than a very superficial account of the produce of this country, which has such a variety of plants that I cannot, with all my ignorance, help being convinced that it merits the attention of the naturalist and the botanist.

Flax.
No botanist
or gardener.

Stone and
clay. The stone of this country is of three sorts; freestone, which appears equal to Portland stone; a bad firestone; and a stone that appears to contain a large proportion of iron. We have good clay for bricks, but no chalk or limestone has yet been found.

The relations between the new arrivals and the native inhabitants of the country being a matter of the highest

importance, it is not surprising to find the greater part of Phillip's despatch occupied with extracts from his journal on the subject. The interest he took in it is evident from the tone of his remarks. He seems not to have lost any opportunity of going among the natives whenever and wherever they were to be met with, making particular inquiries into their habits and customs, and endeavouring by every means in his power to conciliate them. Notwithstanding the disturbances which took place occasionally between them and the people under his command, his efforts to establish good relations with the savages were tolerably successful. Writing in 1796, Collins related (p. 543) that "after many untoward occurrences and a considerable lapse of time, that friendly intercourse with the natives which had been so earnestly desired was at length established; and having never been materially interrupted, these remote islanders have been shown living in considerable numbers among us without fear or restraint; acquiring our language; readily falling in with our manners and customs; enjoying the comforts of our clothing, and relishing the variety of our food. We saw them die in our houses, and the places of the deceased instantly filled by others, who observed nothing in the fate of their predecessors to deter them from living with us, and placing that entire confidence in us which it was our interest and our pleasure to cultivate."

1788

15 May.

The native question.

Results of Phillip's policy.

With respect to the natives, it was my determination from my first landing that nothing less than the most absolute necessity should ever make me fire upon them, and though preserving this resolution has at times been rather difficult, I have hitherto been so fortunate that it never has been necessary. Mons. La Pérouse while at Botany Bay was not so fortunate; he was obliged to fire on them, in consequence of which, with the bad behaviour of some of the transports' boats and some convicts, the natives have lately avoided us, but proper measures are taken to regain their confidence.

Firing on the natives.

The few hours I have to collect and put into method the observations I have made of these people will, I hope, excuse me to your lordship for sending only extracts from my journal, as they have

Phillip's journal.

1788 been set down when the little incidents occurred, and from which
 15 May. a more just opinion of these people may be drawn than I should perhaps be able to give.

The natives
 at Botany
 Bay.

When I first landed in Botany Bay the natives appeared on the beach, and were easily persuaded to receive what was offered to them; and though they came armed, very readily returned the confidence I placed in them by going to them alone and unarmed, most of them laying down their spears when desired; and while the ships remained in Botany Bay no dispute happened between our people and the natives.* They were all naked, but seemed fond of ornaments, putting the beads or red baize that were given them round their heads or necks. Their arms and canoes being described in Captain Cook's Voyage, I do not trouble your lordship with any description of them.

The natives
 at Port
 Jackson.

When I first went in the boats to Port Jackson the natives appeared armed near the place at which we landed, and were very vociferous, but, like the others, easily persuaded to accept whatever was offered them; and I persuaded one man, who appeared to be the chief or master of the family, to go with me to that part of the beach where the people were boiling their meat. When he came near the marines, who were drawn up near the place, and saw that by proceeding he should be separated from his companions, who remained with several officers at some distance, he stopped, and with great firmness seemed, by words and actions, to threaten them if they offered to take any advantage of his situation.

A lesson in
 cookery.

He then went on with me to examine what was boiling in the pot, and expressed his admiration to me in a manner that made me believe he intended to profit from what he saw, and which I made him understand he might very easily, by the help of some oyster-shells. I believe they know no way of dressing their food but by broiling, and they are seldom seen without a fire, or a piece of wood on fire, which they carry with them from place to place and in their canoes, so that I apprehend they find some difficulty in procuring fire by any other means with which they are acquainted. The boats, in passing near a point of land in their

Manly Cove.

harbour, were seen by a number of men, and twenty of them waded into the water unarmed, received what was offered them, and examined the boats with a curiosity that gave me a much

* Phillip's Voyage, p. 44; Tench, p. 53.

higher opinion of them than I had formed from the behaviour of those seen in Captain Cook's voyage, and their confidence and manly behaviour made me give the name of Manly Cove to this place.

1788

15 May.

The same people afterwards joined us where we dined; they were all armed with lances, two with shields and swords, the latter made of wood, the gripe small, and I thought less formidable than a good stick. As their curiosity made them very troublesome when we were preparing our dinner, I made a circle round us; there was little difficulty in making them understand they were not to come within it, and they then sat down very quiet. The white clay rubbed on the upper part of the face of one of these men had the appearance of a mask; and a woman that appeared on some rocks near which the boats passed was marked with white on the face, neck, and breasts in such a manner as to render her the most horrid figure I ever saw. They are not often seen marked in this manner, and it is done only on some particular occasions. Several women landed from their canoes the morning the boats stopped in a small bay near the entrance of the harbour, when I was going to examine the coast to the northward, and three of them were very big with child. Ribbons, baize, &c., they tied round their necks when they were given to them. Several of them had children with them in the canoes. They appeared to be less cheerful than the men, and under great subjection. Two canoes with three women in each, and one canoe with a man and woman, came off to us when we were a mile from the land, and came alongside the boat to receive some fish-hooks and lines which were offered them.

The boomerang.

Native women.

In Broken Bay several women came down to the beach with the men where we landed, one of whom, a young woman, was very talkative and remarkably cheerful. They all readily assisted us in making a fire, and behaved in the most friendly manner. In a bay in which we landed to haul the seine, many of the natives joined us, and I now observed that the women had lost two joints of the little finger of the left hand. As they appeared to be all married women, I supposed it to be a part of the marriage ceremony; but in going into a hut where there were several women and children, who did not seem inclined to show themselves, I found one woman who appeared to have had children, and a very old woman, on neither of whom this operation had been performed. There was likewise a child of five or six years of age that had lost the two joints. It is the women only that suffer this operation,

Cutting off the finger joints.

1788 which—as it must be performed with the shell that serves them,
 15 May. when fixed at the end of a short stick, as a chisel for pointing their spears and for separating the oysters from the rocks—must be a painful one. It is only on the little finger of the left hand that it is performed. It cannot be any part of the marriage ceremony, for I have seen several women with child whose fingers were perfect, and, as I before observed, a female child of five or six years of age that had suffered the operation. I likewise saw some very young female children whose fingers were perfect.*

Treatment
of the
women.

The loins of many of the women appeared as if they had something of a scrofulous disorder, but which I thought might be the marks still remaining of a chastisement. They certainly are not treated with any very great tenderness, and I believe are mostly employed in the canoes, where I have seen them with very young infants at the breasts. They appear very obedient to the men, and as they are the weakest, so in this state of nature they appear to be treated as the inferior. The women, as well as the men, seem fond of little ornaments, but which they soon lay aside; and the talkative lady, when she joined us in her canoe the day after we first landed, stood up and gave us a song that was not unpleasing.

A lively
young
lady.

Knocking
out the front
tooth.

As most of the women have lost the two first joints of the little finger on the left hand, so most of the men want the right front tooth in the upper jaw, and have the gristle that separates the nostrils perforated, frequently having a piece of stick or a bone thrust through, and which does not add to their beauty. This is general, but I saw some very old men that had not lost the tooth, and whose noses were not perforated for this ornament.† On my

* “The women are, besides, early subjected to an uncommon mutilation of the two first joints of the little finger of the left hand. The operation is performed when they are very young, and is done with a hair or some other slight ligature. This being tied around at the joint the flesh soon swells and in a few days—the circulation being destroyed—the finger mortifies and drops off. I never saw but one instance where the finger was taken off from the right hand, and that was occasioned by the mistake of the mother. Before we knew them we took it to be their marriage ceremony, but on seeing their mutilated children we were convinced of our mistake, and at last learned that these joints of the little finger were supposed to be in the way when they wound their fishing lines over the hand.”—Collins, p. 533.

† “Between the ages of eight and sixteen, the males and females undergo the operation of having the *septum nasi* bored, to receive a bone or reed, which among them is deemed a great ornament, though I have seen many whose articulation was thereby rendered very imperfect. Between the same years also the males receive the qualifications which are given them by losing one of the front teeth.”—Ib., p. 563. The practice of striking out the front tooth is minutely described by the same author, pp. 579, 583.

showing them that I wanted a front tooth it occasioned a general clamour, and I thought gave me some little merit in their opinion. Their bodies, chiefly about the breasts and arms, are scarified, and sometimes the skin is raised for several inches from the flesh, appearing as if it was filled with wind, forming a round surface of more than a quarter of an inch diameter. They have scars likewise in different parts of the body, and frequently one on the instep ; nor does the head always escape, for one of them, putting aside the hair on the fore part of the head, showed a scar, and then, pointing to one on the foot and those on different parts of the body, gave us to understand that he was honored by these marks from head to foot.* The scars the men are fond of showing, but I did not think the women seemed to be fond of showing the mutilated finger, and sometimes found it rather difficult to know whether they had lost the joint or not ; for though they had not the smallest idea that one part of the body required concealment more than the other,† they appeared timid, would not approach so readily as the men did, and sometimes they would not land from their canoes, but made signs for us to give what we offered them to the men.

1788

15 May.

Scarifying.

Scars.

Timidity of the women.

When the south branch of Broken Bay was first visited, we had some difficulty in getting round the headland that separates the two branches, having very heavy squalls of wind and rain, and when we attempted to land there was not sufficient water for the boat to approach the rocks, on which were standing an old man and a youth. They had seen us labour hard to get under the land, and after pointing out the deepest water for the boats, brought us

Experience at Broken Bay.

* "Both sexes are ornamented with scars upon the breast, arms, and back, which are cut with broken pieces of the shell they use at the end of the throwing stick. By keeping open these incisions, the flesh grows up between the sides of the wounds, and after a time, skinning over, forms a large wale or seam. I have seen instances where these scars have been cut to resemble the feet of animals ; and such boys as underwent the operation while they lived with us, appeared to be proud of the ornament, and to despise the pain which they must have endured. The operation is performed when they are young, and until they advance in years the scar looks large and full ; but on some of their old men I have been scarcely able to discern them."—*Ib.*, p. 552.

† "In the women, that feminine delicacy which is to be found among the white people was to be traced even upon their sable cheeks ; and though entire strangers to the comforts and conveniences of clothing, yet they sought with a native modesty to conceal by attitude what the want of covering would otherwise have revealed. They have often brought to my recollection "the bending statue which enchants the world," though it must be owned that the resemblance consisted solely in the position."—*Ib.*, p. 550.

1788
1 May
Obliging old man.

fire, and going with two of the officers to a cave at some distance, the old man made use of every means in his power to make them go in with him, but which they declined, and this was rather unfortunate, for it rained hard, and the cave was the next day found to be sufficiently large to have contained us all, and which he certainly took great pains to make them understand. When this old man saw us prepare for sleeping on the ground, and clearing away the bushes, he assisted, and was the next morning rewarded for his friendly behaviour. Here we saw a woman big with child that had not lost the joints of the little finger.

Stole a spade.
Punishment and revenge.
Coolness under fire.

When we returned two days afterwards to the spot where the old man had been so friendly, he met us with a dance and a song of joy. His son was with him. A hatchet and several presents were made to them; and as I intended to return to Port Jackson the next day, every possible means were taken to secure his friendship; but when it was dark he stole a spade, and was caught in the act. I thought it necessary to show that I was displeased with him, and therefore when he came to me, pushed him away and gave him two or three slaps on the shoulder with the open hand, at the same time pointing to the spade. This destroyed our friendship in a moment, and seizing a spear, he came close up to me, poised it, and appeared determined to strike; but whether from seeing that his threats were not regarded, for I chose rather to risk the spear than fire on him, or from anything the other natives said who surrounded him, after a few moments he dropped his spear and left us. This circumstance is mentioned to show that they do not want personal courage, for several officers and men were then near me. He returned the next morning with several others, and seemed desirous of being taken notice of, but he was neglected, whilst hatchets and several other articles were given to the others.

Ornaments.
Food.
Fishing tackle.

The men hang in their hair the teeth of dogs and other animals, lobsters' claws, and several small bones which they secure by gum, but I never saw the women do this. Their food is chiefly fish—the shark, I believe, they never eat—the fern root, wild fig, and the kernels of a large fruit, that is not unlike a pine-apple, but which when eaten by the French seamen occasioned violent retchings. Their hooks are made from shells, and their lines and nets, I believe, from the flax plant; but I have some that were made from the fur of some animal, and others that appeared to be made of

cotton. The cray-fish and lobsters they catch in small hoop-nets, the making of which shows some art, yet they have no kind of cloathing; at the same time they appear to be sensible of the cold, and to dislike the rain very much, putting on their heads when it rains a piece of bark, under which I have seen them shiver. Their huts are generally surrounded by oyster and mussel shells, and their bodies smell of oil. They cannot be called a very cleanly people, yet I have seen one of them, after having in his hand a piece of pork, hold out his fingers for others to smell to, with strong marks of disgust, and though they seldom refused bread or meat, if offered them, I have never been able to make them eat with us, and when they left us they generally threw away the bread and meat; but fish they always accepted, and would broil and eat it.

1788

15 May.

Sensitive skins.

Objections to pork. Bread and meat.

Fish.

The ground having been seen raised in several places, as is common in England where poor people are buried, I had one of these graves opened, and from the ashes had no doubt but that they burn their dead. From the appearance of the ashes, the body must be laid at length only a few inches below the surface, and is, with the wood ashes made by burning the body, covered slightly over with mould, fern, and a few stones. A grave was opened by Captain Hunter in which part of a jawbone was found not consumed by the fire, but we have seen very few of these graves, and none near their huts.*

Burning the dead.

It is not possible to determine with any accuracy the number of natives, but I think that in Botany Bay, Port Jackson, Broken Bay, and the intermediate coast, they cannot be less than fifteen hundred.†

Population.

Having related the results of his experience among the natives at length, Phillip returns to the subject of exploration—which naturally attracted his attention quite as much as the other. These were the primary objects of his administration. It was necessary to conciliate the natives in order to secure a peaceful occupation of the territory; and it was equally essential to discover its capabilities and resources. His references to the Blue Mountains and the

Exploration.

Two lines of policy.

* Their young people they consign to the grave; those who have passed the middle age are burnt.—Collins, p. 601.

† Ante, p. 130.

1788 Hawkesbury are peculiarly interesting from the fact that,
 15 May. at the time he wrote, both mountains and river were mere subjects for conjecture, nothing being known about either.

In going to examine a cove near the entrance of the harbour
 Shell Cove. (Shell Cove), I found a passage with deep water into a branch of the harbour that runs to the north-west, and finding, on examining, that there was a run of fresh water that came from the westward, I went a few days after to examine the source. I landed with four days' provisions, several officers, and a small party of marines, and found to the northward of this part of the harbour a large
 Lake lake, which we examined, though not without great labour, for it is surrounded with a bog and a large marsh, in which we were frequently up to our middle. Here we saw a black swan; it was
 Black swan. larger than the common swan, and when it rose, after being fired at, the wings appeared to be edged with white; there is some red on the bill, and it is a noble bird. With great labour, in three days we got round the swamps and marshes from which all the freshwater drains that this harbour is supplied with.

The country we passed through when we left the low grounds
 Rocky was the most rocky and barren I ever saw, the ascending and country. descending of the mountains being practicable only in particular places, but covered with flowering shrubs. And when about fifteen
 Blue miles from the sea-coast we had a very fine view of the mountains
 Mountains. inland, the northernmost of which I named Carmarthen Hills and the southernmost Landsdown Hills; a mountain between I called Richmond Hill*; and, from the rising of these mountains, I did not doubt but that a large river would be found, in search of
 Search for which I set off the 22nd of April, with six days' provisions. We were eleven officers and men, and landed near the head of the
 Parramatta. harbour; here the country was good, but we soon came to a close cover that we endeavoured for some time to get through, but were obliged to return, and the next day passed this cover by keeping along the banks of a small creek for about four miles. The three following days we proceeded to the westward, finding the country

* The Marquis of Caermarthen, eldest son of the Duke of Leeds, was one of Pitt's Secretaries of State; the Marquis of Lansdowne is better known in history as the Earl of Shelburne, Prime Minister in 1782-3, and created Marquis in 1784. Richmond Hill was so named either after the Duke of Richmond, then Master-General of the Ordnance, or after Richmond Hill on the Thames; but Phillip usually named places after well-known statesmen of his time.

in general as fine as any I ever saw, the trees growing from twenty to forty feet from each other, and, except in particular places where the soil was stony and very poor, no underwood. The country through which we passed was mostly level, or only rising in small hills, which gave it a pleasing and picturesque appearance. The fifth day we got to a rising ground, and for the first time since we landed saw Carmarthen Hills, as likewise the hills to the southward. The country round this hill was so beautiful that I called the hill Belle Vue, but the hills we wished to reach still appeared to be at least thirty miles from us.

1788.

15 May.

First view of the Blue Mountains.

We had been five days out, and the want of provisions obliged us to return to the spot we left by the track we went, otherwise our journey might be lengthened several days longer than we expected by meeting with deep ravines, which we might be obliged to go round; and I believe no country can be more difficult to penetrate into than this is. Though we always found pools of water that had remained after the rainy season, yet, as that could not be depended on, the water necessary for the day was always carried, which, with the provisions, arms, and a couple of tents, obliged every officer and man to carry a very heavy load, but which at present was so much lightened, and having the trees marked, in one day and a half we got back to the head of the harbour. We had been thirty miles to the westward, and had seen a country that might be cultivated with ease, and I intended returning in a few days, in hopes of reaching the bottom of Landsdown or Carmarthen Hills; and the traces of the natives inland, added to the hopes of finding a large river, which the appearance of the country promised, made every one, notwithstanding the fatigue, desirous of being of the party. But my having, when I went to Broken Bay, before I was perfectly recovered from the complaint which had been so general, slept several nights on the wet ground, brought on a pain in the side, which the journey increased so much that I found a few weeks' rest necessary after I returned.

Difficult country.

Heavy marching order.

Another expedition.

I have had the honor of informing your lordship that we now know there is a good country near us, and it shall be settled and cultivated early in the spring. In this journey I was surprised to find temporary huts made by the natives far inland, where they must depend solely on animals for food, and to procure which we have never yet seen any other weapon than the spear, which is certainly very inferior to our guns, which in this journey,

Good country discovered

1788 though we were in want of provisions for the last two days, pro-
 15 May. cured us barely sufficient for two meals. These huts consist of
 only a single piece of bark, about eleven feet in length, and from
 four to six feet in breadth, being, when stripped from the tree, bent
 in the middle, and set up as children put up a card, affording shelter
 Native huts. against a shower of rain, if you sit under it. The hut may perhaps
 only be intended to hide them from the animals they lay in wait for.

Near one of these huts we found some of the bones of a kangaroo,
 and saw several trees that were on fire; the natives, I suppose,
 had left them on our approach. I also found the root of fern, or
 something like the fern root, that had been chewed by one of the
 natives; he could only have left the spot a few minutes, but we
 never saw any of them, and I believe their numbers in these woods
 are very small. Whether they live in the woods by choice or are
 driven from the society of those who inhabit the sea-coast, or
 whether they travel to a distant part of the country, I can form
 no judgment at present. The bark of many of the trees was cut
 in notches, and at the foot of one tree we found the fur of a
 flying squirrel. Many trees were seen with holes that had been
 enlarged by the natives to get at the animal—either the squirrel,
 kangaroo rat, or opossum—for the going in of which they wait
 under their temporary huts; and as the enlarging of these holes
 could only be done with the shell they use to separate the oysters
 from the rocks, it must require great patience. Against several
 trees, where the hole was near the ground but too high to reach,
 boughs of trees were laid for to climb up by. We saw many places
 where the natives had made fires, but at one place only were any
 oyster or mussel shells seen, and there not more than half a dozen,
 and no fish-bones; so that when they go inland they certainly do
 not carry any fish to support them.

The curious displays of aboriginal art to be seen on the
 rocks near the sea-coast did not escape Phillip's attention.
 In his time it is probable that nearly every flat rock about
 Port Jackson, Botany Bay, and Broken Bay was orna-
 mented with a representation of animal life, or of native
 weapons, either carved or painted; but very few specimens
 of the kind are to be met with in the present day.*

* Surgeon White, who was with Phillip on his expedition of the 15th
 April, 1788, relates that they met with "various figures cut on the smooth

In Botany Bay, Port Jackson, and Broken Bay we frequently saw the figures of men, shields, and fish roughly cut on the rocks, and on the top of a mountain I saw the figure of a man in the attitude they put themselves in when they are going to dance, which was much better done than I had seen before; and the figure of a large lizard was sufficiently well executed to satisfy everyone what animal was meant. 1788
15 May.
Figures cut
on the rocks.

In all the country through which I have passed I have seldom gone a mile without seeing trees which appear to have been destroyed by fire. We have seen very heavy thunderstorms, and I believe the gum-trees strongly attract the lightning; but the natives always make their fire, if not before their own huts, at the foot of a gum-tree, which burns very freely, and they never put a fire out when they leave the place. Trees
destroyed by
fire.

Near some water we saw the dung of some animal that fed on grass, and which I thought could not be less than a horse. Kangaroos were frequently seen, but very shy; and it is a little extraordinary that more of these animals are seen near the camp than in any other part of the country, notwithstanding they are fired at almost daily. Black swans are found on most of the lakes, and a bird as large as the ostrich was killed while I was at Broken Bay. It differs both from the ostrich and the emu. Several have been seen, but they are very shy, and much swifter than the greyhounds. There are wild ducks, teal, and quails, with great variety of small birds. Animal life.

Black
swans.

On my return from this excursion I had the mortification to find that five ewes and a lamb had been killed in the middle of the day, and very near the camp; I apprehend by some native dogs. Sheep killed.

The beginning of May, the rainy season was once more supposed to be set in, but after a week we had fine weather. May
weather.

The three transports for China sailed the 5th, 6th, and 8th of May, and the Supply having been caulked, sailed the 6th to Lord Howe Island, to endeavour to procure turtle in hopes of checking the scurvy, with which most of the people are affected, and near The ships.

surface of some large stones. They consisted chiefly of representations of themselves (the natives) in different attitudes, of their canoes, of several sorts of fish and animals; and considering the rudeness of the instruments with which the figures must have been executed, they seem to exhibit tolerably strong likenesses."—*Journal*, p. 141. Collins makes no reference to these curiosities in his account of native customs. Some remarkable cave paintings are described in Grey's *Journals*, vol. i, pp. 201-6.

1788 two hundred rendered incapable of doing any work. It is not
 15 May. possible to send the Sirius to the northward, for she must then
 have her carpenters, and only three of those hired from the trans-
 ports now remain; and tho' the detachment began to build
 Barracks. barracks for the use of the men and huts for the officers the 14th
 of February, and near a hundred convicts were given to assist in
 Hospital and this work, they are not yet finished, nor is the hospital or the
 store-house. store-house that is to receive the provisions still remaining on
 board three transports, and on these works the carpenters of the
 Sirius are employed. I have before pointed out the great labour
 in clearing the ground as one cause of our slow progress.

Your lordship will, I hope, excuse the confused manner in
 which I have in this letter given an account of what has passed
 since I left the Cape of Good Hope. It has been written at dif-
 ferent times, and my situation at present does not permit me to
 The Go- begin so long a letter again, the canvas house I am under being
 vernor's can- neither wind nor water proof.
 vas house.

The second and third despatches were written on the
 16th May, and related chiefly to military matters. Their
 contents show that unpleasant differences of opinion had
 already occurred between Phillip and the officers of the
 marines, arising from their determination to confine their
 services within the strict limits of military duty. They
 declined to support the Government by exercising a moral
 control over the convicts; they complained of having to sit
 as members of the Criminal Court; and at the same time
 they grumbled because they could not get their grants of
 land immediately.

Unpleasant
 relations
 with the
 military.

I have in my first letter had the honor of observing to your
 lordship the great want of proper persons for to superintend the
 convicts. The officers who compose the detachment are not only
 few in number, but most of them have declined any interference
 with the convicts, except when they are employed for their own
 particular service. I requested soon after we landed that officers
 would occasionally encourage such as they observed diligent, and
 point out for punishment such as they saw idle or straggling in
 the woods; this was all I desired, but the officers did not understand
 that any interference with the convicts was expected, and that

Officers
 decline to
 interfere.

they were not sent out to do more than the duty of soldiers. The consequence must be obvious to your lordship : here are only convicts to attend the convicts, and who in general fear to exert any authority, and very little labour is drawn from them in a country which requires the greatest exertions. In this declaration I do not mean to include the Lieutenant-Governor, who has shown every attention that could be expected from him, and the Judge-Advocate, acting as a Justice of the Peace with a diligence that does him the greatest credit. The convicts are under as good order as our present situation permits.

1788
16 May.

The sitting as members of the Criminal Court is thought a hardship by the officers, and of which they say they were not informed before they left England. It is necessary to mention this circumstance to your lordship, that officers coming out may know that a young colony requires something more from officers than garrison duty.

Officers
object to
form a
Court.

The not having the power of immediately granting lands the officers likewise feel as a hardship. They say that they shall be obliged to make their minds up as to the staying in the country or returning, before they can know what the bounty of Government intends them.

Officers want
grants of
land im-
mediately.

The third despatch referred to some eccentric proceedings on the part of Major Ross :—

I have the honor of transmitting your lordship copies of the proceedings of a Battalion Court-martial, and the letters which passed on that occasion, by which your lordship will see the reasons assigned by the Commandant of the detachment for putting the officers under arrest, as likewise the reasons given by the Court for not altering the sentence.

Officers
under
arrest.

Battalion Court-martial being ordered by Major Ross, as Commandant of the detachment, when he judged necessary, I was not informed of the officers being under arrest till the next morning, when he came to inform me, and I used every means in my power to prevent a General Court-martial, the inconveniences of which were obvious. Any accommodation being declined, I did not judge it prudent to put the guards in the charge of sergeants, which must have been done to assemble the Court, the number of officers capable of doing duty being but thirteen. I therefore ordered the officers to return to their duty till a General Court-martial could be assembled.

General
Court-
martial.

1788 From an order signed by Lieut. George Johnston, Adjutant of Orders, dated 22nd March, 1788, it appears that, on the previous day, Major Ross had placed Captain Tench and four other officers of the corps under arrest because they, while acting as President and members of a Court-martial for the trial of a private soldier, had passed a sentence which, in the Major's opinion, tended to the subversion of all military discipline. He had also requested that a General Court-martial might be ordered for the trial of the officers, "for refusing to make any alteration in the sentence," after they had been called upon to do so.

22 March.

Major Ross
dissatisfied.

As an alternative to this proceeding the Major proposed that, in order to restore harmony and support military discipline, the matter should be submitted by the Judge-Advocate to the determination of any number of officers. The gentlemen concerned, however, declined to adopt that suggestion on the ground that, having been put under arrest, nothing less than a legal decision by a General Court-martial, "or a public reparation from their Commandant," would clear their characters.

Proposal to
restore
harmony.

Rejected by
officers.

At this point a dilemma presented itself. The total number of officers being only nineteen, of whom five were under arrest and one was confined to his bed, thirteen only were left to sit as members of the Court-martial and at the same time to do duty in the Camp. The Court, therefore, could not be held without depriving the settlement of the usual guards, inasmuch as not one officer would have been left for duty while it was sitting. The conclusion arrived at was, that the documents relating to the matter should be delivered to the Judge-Advocate, in order that a General Court-martial might be assembled whenever the service might permit; the officers under arrest to return to their duty.

No means of
holding a
General
Court-
martial.

This disturbance having occurred in March, when the settlement was barely two months old, it would seem that Major Ross's eccentricities began to show themselves at a

very early period of his career. It was unfortunate that while the Judge-Advocate was revolving the matter in his mind, it did not occur to him to point out that nothing could be more subversive of military discipline than the course proposed by the Commandant—that of subjecting the members of a Court-martial to trial because they had passed a sentence which did not meet with his approval, and had subsequently refused to alter it at his request. There were many obvious objections to such a course. In the first place, there was no precedent for it; in the second, it was contrary to the established course of proceedings in military as well as other tribunals; in the third, it was calculated to degrade the officers; and in the fourth, it sought to establish a thoroughly vicious principle—that the deliberate sentence of a Court-martial might be altered at the dictation of the commanding officer.

1788

22 March.

Objection to
Major's
demand.Alteration
of sentence.

In addition to these objections, there was the further one that the settled course to pursue in such cases was, to appeal to a General Court-martial in order that the sentence complained of might be judicially reviewed. But the practice of military tribunals not being very well known in the settlement at that time, Major Ross's proposal was allowed to pass without challenge, and was ultimately shelved in the manner stated. The position to which military discipline was brought when it had become possible that subalterns, placed under arrest by their commanding officer, could demand a public apology from him, was another matter which might, under different circumstances, have become a matter for consideration.

Appeal.

Subalterns
demanding
apology.

A letter to Nepean, the Under Secretary, dated 5th July, was sent with the despatches to Sydney. After some details with respect to the allowance of spirits for the soldiers' wives and the rations for the men, it said:—

Every possible attention will be given to the cultivation of the flax plant when circumstances permit, and on our first arrival in this port it was frequently met with; but when I judged the seed

Flax.

1783 to be ripe and ordered it to be collected, very little was found, and
5 July. none in those places where it had been seen in any quantity, which I impute to the natives pulling up the plant when in flower to make their fishing-lines. A few plants have been collected, and which are sent home under the care of the agent of the transports.

Live stock
and seed.

Sheep do not thrive in this country at present, but as many cows, with one or two young bulls, as the ships intended for this settlement that touch at the Cape can receive on board, will, I hope, be ordered, as likewise seeds, and a few quarters of wheat, barley, and Indian corn.

Long frocks
and jackets
for the
natives.

Cloathing for the natives, if sent out, will, I dare say, be very acceptable to them when they come amongst us. I should recommend long frocks and jackets only, which will equally serve both men and women.

Clothing.

A great part of the cloathing I have, sir, already observed was very bad, and a great part of it was likewise too small for people of common size. If some coarse blankets were to be sent out they would greatly contribute to preserve the health of the convicts.

Presents for
the natives.

In addition to the frocks and jackets for the natives, good house-carpenters' axes, hats, hooks, and lines will be most beneficial, as well as most acceptable to the natives.

Second set of
despatches.

A second series of despatches, bearing date 9th, 10th, and 12th July, was written by Phillip in continuation of those dated 15th and 16th May. The latter had apparently been written in anticipation of the early departure of the transports bound for England; but as they did not sail until the 14th July, another opportunity was afforded for addressing the Home Secretary. The two sets of despatches were received in London at the same time—March, 1789. The first of those written in July gives an interesting review of his proceedings since the month of May:—

Two store-
houses
finished.

I have had the honor of informing your lordship of the situation of this colony prior to the 15th of May, since which two stores have been finished, and the ships are now landing the remainder of the stores and provisions.

The hutting the battalion is still going on, and though from seventy to one hundred convicts have been almost constantly

employed assisting in this business, it will not, I apprehend, be finished before the end of July ; and every day proves the necessity of proper persons being sent out to superintend the convicts. If a small number of carpenters and bricklayers are sent out with proper people who are capable of superintending the convicts, they will soon be rendered serviceable to the State, and without which they will remain for years a burden to Government. Numbers of them have been brought up from their infancy in such indolence that they would starve if left to themselves, and many (their numbers now exceed fifty), from old age and disorders which are incurable, and with which they were sent from England, are incapable of every kind of work.

1788

9 July.

Superintendents and mechanics wanted.

Over fifty incapable of work.

The necessity for keeping up a regular supply of provisions for four or five years at least is again referred to :—

Thus situated, your lordship will excuse my observing a second time that a regular supply of provisions from England will be absolutely necessary for four or five years, as the crops for two years to come cannot be depended on for more than what will be necessary for seed, and what the Sirius may procure can only be to breed from. Should necessity oblige us to make use of what that ship may be able to procure, I do not apprehend that the live stock she will bring in twelve months will be more than a month's provision for the colony, and the Supply is totally unfit for a service of this kind.

Regular supplies needed.

Lieutenant Ball returned the 25th from Lord Howe Island, where I had sent him in hopes he would have been able to procure some turtle for the sick ; but the weather was bad, and that island not having any good water will not be of any service to us, for Lieutenant Ball did not see any turtle, nor does he suppose they were bred there. The transports that sailed for China had my directions not to go to that island, but they all appeared there before the Supply left it, and one was near being lost.*

No turtle at Lord Howe Island.

The store-ships and transports, as cleared, are ordered to prepare to return to England immediately, but some of their sheathing being much destroyed by the worms, it is necessary to permit several of those ships to heave down.

Ships heave down.

One of the convicts who, in searching for vegetables, had gone a considerable distance from the camp, returned very dangerously

Attacks by the natives.

* The Scarborough, Charlotte, and Lady Penrhyn sailed for China on the 5th, 6th, and 8th May ; ante, p. 291.

1788 wounded in the back by a spear. He denies having given the natives any provocation, and says that he saw them carrying away a man that had gone out for the same purpose, and whom they had wounded on the head. A shirt and hat, both pierced with spear have been since found in one of the native huts, but no intelligence can be got of the man ; and I have not any doubt but that the natives have killed him, nor have I the least doubt of the convict being the aggressors. Eleven male and one female convicts have been missing since we landed. A bull-calf has likewise been wounded by a spear, and two goats have been killed by some of our own people, the skin of one being found where the native never appear, so that the little stock we now have is likely to decrease ; and though robberies are punished with severity, there is not a week passes but there are people who lose their provisions and clothes, which in our present situation it is impossible to prevent.

9 July.

Aggressors.

Frequent thefts.

Provisions in convict ships.

I should hope that few convicts will be sent out this year or the next, unless they are artificers, and after what I have had the honor of observing to your lordship, I make no doubt but proper people will be sent to superintend them. The ships that bring out convicts should have at least the two years' provisions on board to land with them ; for the putting the convicts on board some ships, and the provisions that were to support them in others, as was done, I beg leave to observe, much against my inclination, must have been fatal if the ship carrying the provisions had been lost.

Planning a town.

The lines of empire in an infant state.

In the natural course of events, the growth of the social organism with which Phillip was charged had now so far advanced that the formation of a town had begun to occupy his attention. With the assistance of his Surveyor-General, Mr. Alt, an ex-Baron of Hesse Cassel, he designed a plan for the purpose, a copy of which he enclosed in his despatch. His description of the infant city shows how deeply he was impressed with the conviction that it was destined to become prosperous as well as permanent ; that the huts and thatch-roofed buildings of his day would soon give way to structures of a more durable kind ; and that in place of a few wretched stragglers from the army of civilised life, the shores of Sydney Cove would

1888
Mr. J. H. Jackson
CAREY TAD
BOYL JACKSON
A. C. H.

posed, co

T. M. H. and Co.

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in time be peopled with an energetic population of free-
men, attracted by the prospect of independence in a new
and beautiful country. That belief sustained him in all his
trials. Among the many proofs of political sagacity to be
found in the course of his administration, there was none
more remarkable than his suggestion for the prevention of
narrow streets, "and the many inconveniences which the
increase of inhabitants would otherwise occasion hereafter."
Had his views on this subject been carried out, narrow
streets and irregular buildings would never have disfigured
one of the finest sites for a city which the world can show.
In this instance, however, it was unfortunately destined
that the foresight of a statesman should be controlled by
the force of ignoble circumstances. Phillip at this time
had no doubt dreamed the same dream that Darwin after-
wards clothed in resounding verse:—

There shall broad streets their stately walls extend,
The circus widen and the crescent bend ;

but to realise the dream proved a more difficult matter
than he had supposed. It was easy enough to plan streets
two hundred feet wide, and to mark out the sites for public
buildings of proportionate dimensions; but no sooner had he
set to work than he found himself compelled to abandon
his scheme for want of the necessary workmen; all the
mechanics in the place being insufficient for his purpose.
Then he learned that there was no means of making lime,
and consequently that nothing could be done in stone;
whereupon he was obliged to fall back on bricks and tim-
ber, and to content himself with a suggestion that lime
should be sent out as ballast in the transports. It was still
more aggravating to find that all the tools brought out from
England had proved to be of the very worst kind—"as bad
as ever were sent out for barter on the coast of Guinea."

I have the honor to enclose your lordship the intended plan for
the town. The Lieutenant-Governor has already begun a small
house, which forms one corner of the parade; and I am building
a small cottage on the east side of the cove, where I shall remain

1788
9 July.

Narrow
streets.

Poetic
visions.

Mechanical
difficulties.

The first
Government
House.

1788 for the present with part of the convicts and an officer's guard.

9 July. The convicts on both sides are distributed in huts, which are built only for immediate shelter. On the point of land which forms the

The first
Observatory.

west side of the cove, an observatory is building under the direction of Lieutenant Dawes, who is charged by the Board of Longitude with observing the expected comet. The temporary buildings are marked in black ; those intended to remain, in red. We now make very good bricks, and the stone is good, but do not find either limestone or chalk. As stores and other buildings will be begun in the course of a few months, some regular plan for the town was necessary, and in laying out of which I have endeavoured to place all public buildings in situations that will be eligible hereafter, and to give a sufficient share of ground for the stores, hospital, &c., to be enlarged as may be necessary in the

The streets.

future. The principal streets are placed so as to admit a free circulation of air, and are two hundred feet wide. The ground marked for Government House is intended to include the main guard, Civil and Criminal Courts ; and as the ground that runs to the southward is nearly level, and a very good situation for buildings, streets will be laid out in such a manner as to afford a free air ; and when the houses are to be built, if it meets with your lordship's approbation, the land will be granted with a clause that will ever prevent more than one house being built on the allotment, which will be sixty feet in front and one hundred and fifty feet in depth ; this will preserve uniformity in the buildings, prevent narrow streets, and the many inconveniences which the increase of inhabitants would otherwise occasion hereafter.

Hospital,
barracks,
and store-
house.

The hospital is a building that will stand for some years ; it is clear of the town, and the situation is healthy. The barracks and huts now building for the officers and men will stand three or four years. If water could be found by sinking wells on the high ground between the town and the hospital, I proposed building the barracks on that spot, and surrounding with such works as we may be able to make, and which I did intend beginning as soon as the transports were cleared and the men huted ; but I now find that without some additional workmen the progress must be so very slow that the design is laid aside, and the only building I shall attempt will be a store-house that will be secure, those we have already built being not only in danger from fire, from being thatched, but of material that will not stand more than two years.

The barracks and all buildings in future will be covered with shingles, which we now make from a tree like the pine-tree in appearance, the wood resembling the English oak. 1788 9 July.

The monotony of daily life in the Camp was ever and anon disturbed by a sudden alarm of an outrage committed by the natives. At this time they were swarming in the neighbourhood of the settlement, always on the look out for unarmed stragglers whom they could pick off from behind a gum-tree, and whose lives were taken without scruple in revenge for the canoes and fishing-tackle stolen from them on the beaches. According to native law, it was not at all necessary to identify the thief; the tribe to which he belonged was held responsible for his act, and had to pay the penalty. The memory of one of these tragedies is perpetuated in the name given to a bay in the harbour, still known as Rushcutters' Bay. Phillip's account of the matter presents one of the best sides of his character :—

The 30th of May two men employed collecting thatch at some distance from the camp were found dead. One of them had four spears in him, one of which had passed through his body; the other was found at some distance, dead, but without any apparent injury. This was a very unfortunate circumstance, and the more as it will be impossible to discover the people who committed the murder, and I am still persuaded the natives are not the aggressors. These men had been seen with one of their canoes, but I was not informed of that circumstance for some days. Though I did not mean to punish any of the natives for killing these people, which it is more than probable they did in their own defence, or in defending their canoes, I wished to see them; and, as they had carried away the rushcutters' tools, I thought they might be found out and some explanation take place, for which purpose I went out with a small party the next day, and landed where the men were killed; but after traversing the country more than twenty miles, we got to the north shore of Botany Bay without meeting any of the natives; there we saw about twenty canoes fishing.

It was then sunset, and as we made our fires and slept on the beach, I did not doubt but some of them would join us, but not

1788 one appeared ; and the next morning, though fifty canoes were
 9 July. drawn up on the beach, we could not find a single person, but, on
 our return, keeping for some time near the sea-coast, we came to
 a cove where a number of the natives were assembled, I believe
 more than what belonged to that particular spot. Though we were
 A surprise. within ten yards when we first discovered each other, I had barely
 time to order the party to halt before numbers appeared in arms,
 and the foremost of them, as he advanced, made signs for us to
 retire ; but upon my going up to him, making signs of friendship,
 he gave his spear to another, and in less than three minutes we
 were surrounded by two hundred and twelve men. Numbers of
 women and children were at a small distance, and, whether by
 their superiority of numbers, for we were only twelve, or from
 their not being accustomed to act with treachery, the moment the
 Friendship offered and accepted. friendship I offered was accepted on their side they joined us,
 most of them laying down their spears and stone hatchets with
 the greatest confidence, and afterwards brought down some of
 their women to receive the little articles we had to give them. I
 saw nothing to induce me to believe these people had been con-
 cerned in the murder which had been committed. We parted on
 friendly terms, and I was now more than ever convinced of the
 necessity of placing confidence in these people as the only means
 of avoiding a dispute. Had I gone up to them with all the party,
 though only twelve, or hesitated a moment, a lance would have been
 thrown, and it would have been impossible to have avoided a dispute.

Key to
native
character.

Friendly
natives.

Inland
tribes.

Here we saw the first stream of fresh water I have seen in this
 country, but the cove is open to the sea. When the natives saw
 we were going on towards the next cove, one of them, an old man,
 made signs to let him go first, and as soon as we were at the top of
 the hill he called out, holding up both his hands (a sign of friend-
 ship) to the people in the next cove, giving them to understand
 that we were friends. We did not go to that cove, but saw about
 forty men, so that unless these people had assembled on some par-
 ticular occasion, the inhabitants are still more numerous than I had
 imagined. I have before had the honor of observing to your lord-
 ship that we had traced the natives thirty miles inland, and this
 morning, in crossing the hills between Botany Bay and Port
 Jackson, we saw smoke on the top of Landsdown Hill, so that
 I think there cannot be any doubt of there being inhabitants
 fifty miles inland.

How little was known of the country at this time may be seen in Phillip's innocent remark about the existence of natives fifty miles inland. It had not even occurred to him as a probability that the interior of New Holland might be peopled with aborigines, and that those whom he saw around him might be but a handful of the many tribes moving over its immense surface. As a matter of fact, nothing was then known about the country or its inhabitants beyond what had been learned from Cook's Voyage. In the eyes of its first settlers, the land was a wilderness, and the natives were supposed to be confined to the sea-coast.

1788

9 July.

An unknown country.

His Majesty's birthday was observed with every possible mark of attention our situation permitted. The three men that had been reprieved from death in order to be exiled were fully pardoned, and for the twenty-four hours I believe there was not one heavy heart in this part of his Majesty's dominions.

King George's birthday.

The first celebration of a royal birthday in the colony took place on the 4th of June, when King George the Third attained his fiftieth year. All possible honour was paid to the occasion; and so far as ceremonies are concerned, they differed little from those of the present day. At sunrise, at one o'clock, and at sunset the two men-of-war in the harbour fired a salute of twenty-one guns each; on shore the colours were hoisted at the Flagstaff; at twelve o'clock, the battalion of marines was under arms, and concluded its parade by firing three volleys, followed by three rounds of cheering. Then came a *levée* at Government House, at which the Lieutenant-Governor, attended by all the officers of his corps, the captains and other officers of the men-of-war, the members of the Civil Service, and others, paid their respects to his excellency in person. The *levée* was followed by a dinner at Government House at two o'clock, when Phillip's French cook* had an opportunity

Royal salutes.

The *levée*.

The dinner.

* The French cook, according to Tench, was "constantly made the butt of his ridicule" by Baneelon, the native whom Phillip had captured and tamed, and who mimicked his voice, gait, and other peculiarities with great exactness and drollery.—Complete Account, p. 57.

1788
9 July. for displaying his ingenuity. The "band of musick" from the Sirius played God Save the King and several excellent marches during the dinner. "After the cloth was removed"—we are indebted to Surgeon White* for these particulars—"his Majesty's health was drank with three cheers." Then came the Prince of Wales, the Queen and Royal Family, the Cumberland Family, his Royal Highness Prince William Henry, and lastly, his Majesty's Ministers, of whom some one was good enough to say that "they might be *pitted* against any that ever conducted the affairs of Great Britain."

The toasts
and the
speeches.

The County
of Cumber-
land.

Laying the
foundation-
stone.

After the toasts had been duly honoured, Phillip informed his guests that he had determined to create a County and to name it the County of Cumberland, after his Royal Highness, giving it such boundaries as would make it the largest county in the world. To the north, it would be bounded by the northernmost point of Broken Bay; to the south, by the southernmost point of Botany Bay; and to the west by the great range of mountains which he had seen for the first time during his expedition of the 15th April. He then went on to say that he had also intended to have named the town they were building, and to have laid the foundation-stone of it, on that day; but the unexpected difficulties he had met with in clearing the ground, added to the want of mechanics, had rendered it impossible to do so. He was therefore obliged to postpone that ceremony until a future day. The name which Phillip thought of giving the town was never officially mentioned by him; but, says White, "we understand it is to be ALBION."

Forgiveness
of sins.

While the gentlemen of the civil, military, and naval establishments were thus enjoying themselves at Government House, the people outside were not forgotten by the Governor. The unhappy creatures lying under sentence at Rock Island were released; some sailors of the Sirius who had got into trouble were pardoned; while every soldier had a pint of porter in addition to his allowance of grog,

* Journal, pp. 169-171.

and every convict "half a pint of spirits made into grog," that they all might drink his Majesty's health and be happy. Even at this early period of his administration, Phillip had gained a reputation for kindness and generosity in dealing with his unfortunate subjects; for White, in mentioning "this act of lenity and mercy," speaks of "many others which the Governor had shown." Night-time was distinguished by "an immense bonfire," in place of a general illumination, which everybody went forth to see; the celebrations of the day concluding with a supper at Government House, where Phillip and his guests "terminated the day in pleasantry, good humour, and cheerfulness."

1788

9 July.

Bonfire and supper.

During all the festivities of the occasion, however, it was noticed that Phillip was "in great pain from a return of his complaint"—an attack which had seized him in the side and loins, brought on by his having slept several nights on the wet ground at Broken Bay, before he was perfectly recovered from the complaint which had attacked almost everyone after the arrival of the Fleet. His sufferings had been aggravated by "a fall into a hollow place in the ground, concealed by the long grass," while he was out on his last expedition in April. But "though his countenance too plainly indicated the torture which he suffered" while entertaining his guests on the royal birthday, "he took every method in his power to conceal it, lest it should break in upon the festivity and harmony of the day." This attack seems to have troubled him greatly for a long time afterwards. In February, 1790, he told Evan Nepean, in reply to a passage in one of Ross's letters twitting him with his absence from head-quarters on "parties of pleasure," that "a journey I made soon after we landed fixed a complaint in my side which has rendered the fatigues of examining the country round us not parties of pleasure, but parties in which nothing but a sense of duty and necessity would make me engage"; and that his absence on a certain occasion took place "at a time when my state of health was such that I should have been pleased to remain in my bed, rather than

Phillip's suffering.

Chronic complaint.

1788 have gone to Rose Hill to sleep on the boards in a hut.”
 9 July. The complaint seems to have got worse in the following year, since in March, 1791, he wrote to Lord Grenville requesting permission to return to England, stating as a reason that “a complaint in the side, from which, in more than two years, I have been seldom free,” had impaired his health so much as to incapacitate him at times for duty.

Leave to
return
home.

Cattle
strayed
away.

If we had been unfortunate in our live stock in general, I had the satisfaction of seeing the cows and horses thrive ; but the man who attended the former having left them for a short time, they strayed and were lost. The loss of four cows and two bulls will not easily be replaced. Pardon, my lord, these tedious relations of robberies and losses ; it is the only means I have of giving your lordship a faint idea of the situation in which I am placed. Of the live stock purchased at the Cape, part died on the passage, and the greatest part of what remained since landing.

Reward for
evidence.

Having reason to believe that one of the natives had been murdered and several wounded, which it is probable occasioned the attack on the rushcutters, I have promised to emancipate any convict that will discover the aggressors ; it will, I hope, at least prevent anything of the kind in future.

Cannibal
stories.

A convict who had committed a robbery and absconded the 5th of June returned the 24th almost starved ; he found it impossible to subsist in the woods. One of the natives gave him a fish, but then made signs for him to go away. He says he afterwards joined a party of the natives, who would have burned him but that he got away from them ; and that he saw the remains of a human body on the fire. In the woods he saw four of the natives who were dying, and who made signs for food. This man was tried, pleaded guilty, and suffered with another convict. He persisted in the story respecting the natives intending to burn him, and I now believe they find the procuring a subsistence very difficult, for little fish is caught.

The 22nd of this month (June) we had a slight shock of an earthquake. It did not last more than two or three seconds. I felt the ground shake under me, and heard a noise that came from the southward, which I at first took for the report of guns fired at a distance.*

* According to Collins, p. 35, the shock was local, and so slight that many people did not feel it. On the 17th January, 1801, a very severe shock was felt in Sydney ; Mann, Present Picture of New South Wales, p. 8.

Tho' we have had heavy rains at the change of the moon, this cannot be called a rainy season. The climate is a very fine one, and the country will, I make no doubt, when the woods are cleared away, be as healthy as any in the world, but is, I believe, subject to violent storms of thunder and lightning. Soon after we landed several trees were fired by the lightning, and several sheep and hogs killed in the camp.

1788

9 July.

Fine
climate.

The climatic changes which took place during the early years of the colony are frequently referred to by Phillip and his contemporaries. The thunderstorms were sudden and violent; rain fell in torrents; trees were frequently split by lightning, and animals standing under them killed; in winter it was so cold that ice was common at Parramatta, and large hailstones fell when it rained; while the heat in summer, especially when the hot winds blew, was intolerably severe. The cause of the extreme heat was a subject of much discussion, some attributing it to the practice, common among the natives, of setting the bush on fire. Tench made a better guess when he accounted for it "by the wind blowing over immense deserts, which, I doubt not, exist in a north-west direction from Port Jackson."*

Thunder and
lightning.

The sudden variations of the weather were at first attributed to the changes of the moon; but according to Tench, "lunar empire afterwards lost its credit," and the violent outbursts of the elements were regarded as peculiar to the country. Experience proved them to be nothing more than the usual results of dense vegetation in semi-tropical countries, unoccupied by civilised men.

The moon
and the
weather.

The difference in temperature felt at Sydney and Rose Hill, only twelve miles apart, was a subject of common remark: the extremes of heat and cold being felt at one place in much greater intensity than at the other. But

Tempera-
ture at
Sydney and
Parramatta.

* Tench relates that, during a hot wind which lasted for three days, "an immense flight of bats, driven before the wind, covered all the trees round the settlement, whence every moment they dropped dead, or in a dying state, unable longer to endure the burning state of the atmosphere. Nor did the *perroquettes*, though tropical birds, bear it better; the ground was strewn with them in the same condition as the bats." That was at Rose Hill.—Complete Account, p. 168.

1788 although the changes in the weather were so frequent that
 9 July. "clouds, storms, and sunshine passed in rapid succession,"
 it was agreed that the climate itself could not be healthier.
 Animals of all kinds seemed to thrive under its influence;
 and as a conclusive proof of its invigorating effect, Tench
 mentions that "women, who certainly would never have
 bred in any other climate, here produced as fine children
 as ever were born."*

Invigorating
climate.

Eighty-
seven dead
or missing.

One-third
only avail-
able for
labour.

Of the convicts, thirty-six men and four women died on the
 passage, twenty men and eight women since landing, eleven men
 and one woman absconded, four have been executed, and three
 killed by the natives. The number of convicts now employed in
 erecting the necessary buildings and cultivating the lands only
 amounts to three hundred and twenty-six, and the whole number
 of people victualled amounts to nine hundred and sixty-six—con-
 sequently we have only the labour of a part to provide for the whole.

The
garrison.

Your lordship will doubtless see the necessity of employing a
 considerable force in the country, and I presume an addition of
 five hundred men will be absolutely requisite to enable me to
 detach three or four companies to the more open country near the
 head of the harbour.

"The most
valuable
acquisition
Great
Britain
ever made."

I could have wished to have given your lordship a more pleasing
 account of our present situation, and am persuaded I shall have that
 satisfaction hereafter; nor do I doubt but that this country will
 prove the most valuable acquisition Great Britain ever made; at
 the same time no country offers less assistance to the first settlers
 than this does; nor do I think any country could be more dis-
 advantageously placed with respect to support from the mother
 country, on which for a few years we must entirely depend.

Confidence
in the
future.

However depressed Phillip may have felt while recounting
 his troubles and difficulties, his confidence in the future of
 the colony seems to have become more and more a settled
 conviction within him. Considering that he was not at all
 given to the use of exaggerated language, and that his
 views of things were decidedly prosaic, the expression of
 his opinion on this subject is certainly remarkable.

* Complete Account, p. 169.

Evidently relying on his good friend Evan Nepean for assistance in his difficulties, Phillip lost no opportunity for keeping him acquainted with the state of affairs in the settlement. His despatches to the Secretary of State were usually accompanied by letters to the Under Secretary, in which the contents of the former were repeated in still plainer and more emphatic language. The point which he was most anxious to impress on the Ministerial mind at this time was, the necessity for keeping up a regular supply of provisions.

1788

9 July.

Letters to
Nepean.

Although the First Fleet had sailed with supplies calculated to last for two years,* it had become manifest to Phillip, before he had been six months in the country, that he would have to depend on regular supplies from England for at least four or five years to come. According to the original estimate, the provisions put on board the ships were not expected to last more than two years, and therefore another store-ship ought to have been at anchor in the harbour during 1789. Unfortunately, Sydney was sanguine enough to suppose that the cultivation of the land, added to the natural products of the country, would enable Phillip to procure the necessaries of life for his people with very little difficulty. Any practical farmer might have pointed out the danger of relying on such expectations; but it so happened that the difficulties of farming in a new country were never taken into calculation by the Government, until they forced themselves on their attention through the medium of Phillip's bitter experience.

Regular
supplies.Sanguine ex-
pectations.

You will see by my letters to Lord Sydney that this colony must for some years depend on supplies from England.

Dependent
on supplies.

The Sirius will be sent to the northward for live stock as soon as we can spare her carpenters; and from what Monsieur la Pérouse said to Captain Hunter, one of the Isles des Navigateurs is the most likely to furnish us with what we want; but though these

Live stock
from the
islands.

* Post, p. 436, 491.

1788 islands supply two or three ships very abundantly, they will afford
 9 July. but very little towards the support of this colony, the situation of which I have particularly pointed out in my letters to Lord Sydney, and which I shall recapitulate in this, as the ship by which I now write may arrive before either of those that have my despatches on board.

Barter with
the island
natives.

No trade
with foreign
countries.

Phillip's instructions authorised him to take on board, at any place he might touch at on the voyage out, any number of black cattle, sheep, goats, or hogs which he could procure, and also to send the Sirius and the Supply to the islands in order to barter with the natives for further supplies. For that purpose, he was told, "a quantity of arms and other articles of merchandise" had been put on board the ships; and he was expressly required to confine his trading operations as much as possible "to such parts as are not in the possession or under the jurisdiction of other European Powers."* The ordinary construction of this language would lead the reader to suppose that Phillip was left at liberty to make what purchases of live stock he might think fit, at the Cape or any other place; and that the authority to trade with the natives of the islands for further supplies was given for the purpose of enabling him to increase his stock from time to time with greater facility than he could otherwise have done.

Restrictions
on expendi-
ture.

It seems tolerably clear, however, from the official correspondence, that he was not left entirely to his own discretion in the matter of purchases; but that he was stringently cautioned against drawing bills on the Treasury, either for live stock or anything else, for any larger amount than he could possibly avoid. He was tied down to the strictest economy in every particular. The apologetic character of his letters, when referring to his drafts on the Exchequer, is sufficient to show the limit of his powers in any matter involving expenditure. Some live stock, of course, would have to be taken on board the Fleet for immediate purposes

* Post, pp. 482, 484.

on its arrival, and for that reason he was authorised to make necessary purchases on his way out; but for any further supplies that might be required he was directed to look to "the islands adjacent"—that is, any islands in the South Pacific at which live stock might be had. The secret of that singular instruction, apparently, was economy; Sydney being evidently under the impression that barter with the natives would be a much cheaper transaction than buying openly in a Dutch market.* The accounts in Cook's Voyages of the facility with which his ships had been supplied at different islands gave rise to that impression; but his lordship overlooked the material difference, pointed out by Phillip, between taking in provisions for two or three ships and obtaining regular supplies for a colony. Another and still more important point which did not occur to the Minister was the very dangerous character of the navigation among the islands at that time. The South Pacific was practically unexplored, and Phillip was naturally reluctant to send either of his ships on such a perilous cruise.

1783

9 July.

Reasons for
barter
instead of
purchase.Dangerous
navigation.

The Lieutenant-Governor has about four acres of land in cultivation; I have from eight to ten in wheat and barley. The officers will be able to raise sufficient to support the little live stock they have, and which is all that can be expected from them. All the corn raised this year and the next will be saved for seed, and, if necessity should oblige us to use it, would be only a few days support for the colony, and from the rats and other vermin the crops are very uncertain.

Agricultural
prospects.

All the provisions we have to depend on until supplies arrive from England are in two wooden buildings, which are thatched. I am sensible of the risk, but have no remedy.

Thatched
roofs.

The greatest part of the stock brought from the Cape is dead, and from the inattention of the men who had the care of the cattle, those belonging to Government and two cows belonging to myself, are lost. As they have been missing three weeks, it is probable they are killed by the natives. All my sheep are dead, and a few only remain of those purchased for Government.

Loss of
stock.

* Phillip's Instructions; post, p. 484.

1788

9 July.

Live stock
on the 1st
May.Sheep
poisoned.Cattle
strayed
away.The Cow-
pastures.

Phillip does not mention in his despatches that he had caused a return to be prepared by the Commissary, showing the exact number of live stock in the settlement on the 1st May.* Including under that head horses, cattle, sheep, goats, and pigs, the number brought from the Cape on public account was ninety-one; but no record was kept of the stock brought by private individuals. On the 1st May, the population of the Cove could only muster one hundred and thirty-six out of the total number of animals landed in January. As the difference between the two totals amounts to forty-five only, it follows that either the importations on private account were very small, or the mortality was very great. Phillip mentions in his despatch of 28th September that he had brought over seventy sheep with him on his own and on Government account, but that one only remained alive when he wrote. The natural grass was considered to be fatal to them; for those which were fed by their owners outside their tents managed to survive their companions.

The loss of the cattle referred to by Phillip—two bulls and five cows—became in later years one of the romantic incidents of the time. After many ineffectual attempts to recover the runaways, all hope of seeing them again was at last abandoned; the general theory being that they had been killed and eaten by the natives.† It was not until November, 1795, that the cattle were heard of again, when reports were brought in to Governor Hunter to the effect that they had multiplied into a herd, and were to be seen grazing on the banks of the Nepean, in pastures as rich as those of a typical English landscape. The narrative of their recovery in Collins furnishes almost the only instance in

* Post, p. 551.

† Writing in 1791, Tench referred to the matter as follows:—"Not a trace of them has ever since been observed. Their fate is a riddle, so difficult of solution that I shall not attempt it. Surely, had they strayed inland, in some of our numerous excursions marks of them must have been found. It is equally impossible to believe that either the convicts or natives killed and eat them, without some sign of detection."—Complete Account, p. 163. Had Tench, who discovered the Nepean, followed its course as far as the Cowpastures, his riddle would have been solved at a glance.

which that severe writer allows himself to speak approvingly of Australian scenery.* Not the least remarkable fact connected with this event is the peculiar display of instinct which led cattle, bred at the Cape of Good Hope, to such distant pasturage. 1788
9 July.

To show still more conclusively how dependent the colony was on supplies from England, Phillip proceeds to point out that the nearest places to which he could send for assistance in an emergency—the Cape of Good Hope and Batavia—were too remote to be of much service. He would not feel justified in sending a ship to either of those places “unless in case of the greatest necessity”; and if it should come to that, he was afraid that it would in all probability be too late. Neither the *Sirius* nor the *Supply* was noted for its sailing capacity; the latter, according to King, sailed “very ill,” while the former, a store-ship converted into a man-of-war for the Expedition, had become leaky; and as one took sixty-six days and the other sixty-eight to make the run from the Cape to Botany Bay, it was clear that a voyage to the Cape and back would be attended with great delay in any case. But the necessity for adopting this course came upon Phillip sooner than he had expected when writing to Nepean. He found himself compelled to send the *Sirius* to the Cape for a six months’ supply of flour and other necessaries in less than three months afterwards; the voyage there and back occupied seven months, and the ship narrowly escaped being wrecked on Tasman’s Head.† Even if these ships had been better fitted for such a service than they were, the navigation of the adjacent seas was so

No help
at hand.

Two tubs.

Compelled
to send to
the Cape.

* “The country where they were found grazing was remarkably pleasant to the eye; everywhere the foot trod on thick and luxuriant grass; the trees were thinly scattered and free from underwood, except in particular spots; several beautiful flats presented large ponds, covered with ducks and black swan, the margins of which were fringed with shrubs of the most delightful tints, and the ground rose from these levels into hills of easy ascent.”—Vol. i, pp. 436, 437; vol. ii, p. 50.

† The *Sirius* sailed from Port Jackson on the 2nd October, 1788, and returned on the 6th May following. The *Supply* was sent to Batavia on the 17th April, 1790, and returned on the 19th September, having sailed round New Holland on the voyage.

1788 little known at the time, and consequently so dangerous,
9 July. that even the route by which they should sail was a matter of grave uncertainty among seamen.*

The Cape and Batavia too distant to depend upon.

With respect to any resources that the Cape of Good Hope might afford, I have only to observe that during the strong westerly winds that prevail all the year between that Cape and the southern extremity of this country would render a passage to the Cape very tedious, if attempted to the southward, and little less so if ships go to the northward. Batavia and our own settlements are at a great distance, and when the transports are sailed I shall have only the Sirius to employ on a service of this kind; and as I should not think myself at liberty to send either to the Cape or to the East Indies, unless in a case of the greatest necessity, it would in all probability then be too late. I mention these circumstances just to show the real situation of the colony, and I make no doubt but that supplies will arrive in time, *and on which alone I depend*.

Fears of famine.

Danger of sending provisions in separate ships.

The provisions sent to support this colony for two years being put on board three ships was running a very great risk, for had they separated and afterwards been lost, the consequence is obvious, for this country at present does not furnish the smallest resource except in fish, and which has lately been so scarce that the natives find great difficulty in supporting themselves.

Mechanics only should be sent out.

Any accident of this kind will be guarded against, of course, and soldiers or convicts when sent out will be put on board the ships with provisions to serve them for two years after they land; and in our present situation I hope few convicts will be sent out, for one year at least, except carpenters, masons, and bricklayers, or farmers, who can support themselves and assist in supporting others. Numbers of those now here are a burthen and incapable of any hard labour, and unfortunately we have not proper people to keep those to their labour who are capable of being made useful.

The officers and their complaints.

Officers decline the least interference with the convicts, unless when they are immediately employed for their (the officers') own conveniency, or when they are called out at the head of their men.

* Hunter's account of the voyage in his Journal, pp. 89-126, shows the difficulties which surrounded the navigation of a ship from Port Jackson in his day. It was a matter of discussion (p. 93) between him and Phillip whether a ship bound for the Cape of Good Hope should sail west or east; Phillip supported the western route and Hunter the eastern.

The saying of a few words to encourage the diligent when they saw them at work, and the pointing out the idle, when they could do it without going out of their way, was all that was desired. The convicts were then employed clearing the ground on which the officers were encamped, and this they refused. They did not suppose that they were sent out to do more than garrison duty; and these gentlemen (that is, the majority of the officers) think the being obliged to sit as members of the Criminal Court a hardship, and for which they are not paid, and likely think themselves hardly dealt by in that Government had not determined what lands were to be given them. But I presume an additional force will be sent out when the necessity of making detachments in order to cultivate lands in the more open country is known, and from four to six hundred men will, I think, be absolutely necessary.

1788

9 July.

Garrison duty.

In explaining to Nepean the position taken up by the officers of marines, in reply to the suggestions made to them for the management of the convicts, Phillip referred to the matter without any display of irritation. Situated as he was at that time, nothing could have been more disheartening than the studied selfishness and want of consideration shown by those gentlemen. Without any overseers or superintendents, and consequently without any means of exercising moral control over the convicts, the Governor had a right to expect the cordial co-operation of the officers in preserving order and promoting good conduct among the degraded creatures by whom they were surrounded. It would not have cost the marines anything to comply with his wishes, while the results he hoped for would probably have followed from the line of policy which he sought to establish. The only alternative was to leave the course of events to shape its own channel.

Moral duty.

If fifty farmers were sent out with their families, they would do more in one year in rendering this colony independent of the mother country, *as to provisions*, than a thousand convicts. There is some clear land which is intended to be cultivated at some distance from the camp, and I intended to send out convicts for that purpose under the direction of a person that was going to India in the Charlotte transport, but who remained to settle in this country,

Farmers only can make the colony self-supporting.

1788 and has been brought up a farmer, but several of the convicts (three)
 9 July. having been lately killed by the natives; I am obliged to defer it until a detachment can be made.

Cultivation
under
difficulties.

His Majesty's injunction that "you do, immediately upon your landing, proceed to the cultivation of the land," was painfully present to Phillip's mind from the day he landed at Sutherland Point and looked anxiously about him for the meadows he expected to find there. But in his efforts to carry out his instructions, day by day served to reveal some new difficulty. In the first place, he could not find any land that was fit to cultivate, for some months after his arrival; in the second, he had no persons at his disposal who understood the work of cultivation; in the third, the farming implements with which he was supplied were of the least serviceable kind; and in the fourth, nearly all the seed he had brought with him had gone bad. Under such circumstances, his agricultural prospects could not have been a subject for rejoicing.

Sydney's
ploughmen.

The most discouraging of all his difficulties was the worthless character of the men whom he had to depend upon in his farming operations. They neither understood the work itself, nor would they make the least effort to learn it; in his own words, "the dread of work was greater in their eyes than the fear of punishment." They would not have been so difficult to deal with had there been a sufficient number of properly qualified overseers to look after them; but when those officials had to be chosen from among themselves, it soon became clear that men so selected either had not any influence over the others, or they had no wish to exercise the authority entrusted to them. It was not less clear that they had very little interest in making their former companions work against their will. After much painful experience, the conclusion was at last forced upon Phillip that, in the hands of such men, the cultivation of the soil was a systematic deception; and that the only means by which the colony could be made self-supporting was by settling farmers on the land, supplying them with a certain

Free
settlers.

amount of convict labour, as well as provisions for two years, under proper regulations. In deference to his urgent and repeated representations on this head, the Government ultimately consented to adopt his suggestions; and from that point the prosperity of the colony may be said to have begun. But no free settlers were sent out until 1793. 1788
9 July.

The natives are far more numerous than they were supposed to be. I think they cannot be less than one thousand five hundred in Botany Bay, Port Jackson, and Broken Bay, including the intermediate coast. I have traced them thirty miles inland, and, having lately seen smoke on Landsdown Hills, which are fifty miles inland, I think leaves no doubt but that there are inhabitants in the interior parts of the country. The interior inhabited.

Lists of what articles are most wanted will be sent by the Commissary; and I am very sorry to say that not only a great part of the cloathing, particularly the women's, is very bad, but most of the axes, spades, and shovels the worst that ever were seen. The provision is as good. Of the seeds and corn sent from England, part has been destroyed by the weevil; the rest is in good order. Clothing and stores bad; provisions good.

The person I have appointed Provost-Marshall is likewise very useful in superintending the carpenters. The person sent out by the contractor, who assists the Commissary in the delivery of provisions, one that was clerk of the Sirius, a master smith, and two farmers, are very useful people, and I beg leave to recommend them to Government. The granting them lands would draw their attention from their present occupations. Some useful people.

The person appointed Provost-Marshall was Henry Brewer, a midshipman of the Sirius, who was appointed on the voyage out, as mentioned by Phillip in one of his letters from Rio. The title was a military one, and in the army the duties of the office were analogous to those of the head of a police department.* The Provost-Marshall appointed by The Provost-Marshall.

* Under the Articles of War existing before the Army Act, Provost-Marshals possessed the power of punishing those whom they detected in the actual commission of crime, the punishment being limited by the necessity of the case and the orders received by them from the Commander of the forces in the field. This power was frequently exercised. The Duke of Wellington wrote of it:—"By the custom of British armies, the Provost has been in the habit of punishing on the spot, even with death, under the orders of the Commander-in-Chief, soldiers found in the act of

1788 Phillip was not attached to the garrison but to the settle-
 9 July. ment, and consequently he was a civil and not a military officer. The appointment, however, serves to illustrate the distinctly military character of the organisation under which the colony was founded. It was essentially a Camp in the first instance, and was governed according to military ideas. Phillip made the appointment in question under section II of the Act of 1787, which directed the Provost-Marshal to execute the judgments pronounced by the Criminal Court.* Every sentence passed by that Court was carried out under his supervision, and he was responsible for its due execution.

Military
 organisation.

The ships
 in port.

The Fishburn storeship is detained until a proper place can be provided for the spirits; and the rains have for some days prevented the landing the remainder of the provisions from the Golden Grove, therefore those two ships will sail together, I hope by the end of August; the other ships have all cleared, and preparing to sail.

Mails for
 England.

The Fishburn and the Golden Grove sailed for England on the 19th November, carrying the despatches written between that date and the 2nd October. By "the other ships," Phillip meant the Alexander, Prince of Wales, Friendship, and Borrowdale, which sailed on the 14th July, carrying the despatches written previously. There were thus only two opportunities for sending letters direct to England during the year. The three ships which sailed for China in the first week of May did not carry any mail for England. They were under charter to the East India Company, to carry cargoes of "tea and other merchandize" from Canton to London. They had been unloaded in Sydney Cove much more quickly than the other ships, on account of the express instructions given on that point, "a very considerable saving" being thereby effected in freight.

disobedience of orders, of plunder, or of outrage." And he declared that he did not know "in what manner the army was to be commanded at all, unless the practice was not only continued, but an additional number of Provosts appointed." The power of the Provost-Marshal to punish "on his own authority" is not only not allowed in the present day, but is expressly forbidden by the Army Act.—Tovey, *Martial Law*, p. 54.

* Post, p. 455.

The masters of the transports having left with the agents the bonds and whatever papers they received that related to the convicts, I have no account of the time for which the convicts are sentenced, or the dates of their convictions. Some of them, by their own account, have little more than a year to remain, and I am told will apply for permission to return to England or to go to India in such ships as may be willing to receive them. If lands are granted them, Government will be obliged to support them for two years; and it is more than probable that one half of them, after that time is expired, will still want support. Until I receive instructions on this head, of course, none will be permitted to leave the settlement; but if, when the time for which they are sentenced expires, the most abandoned and useless were permitted to go to China in any ships that may stop here, it would be a great advantage to the settlement.

1788

9 July.

Transportation papers left behind.

Expires might go to China.

The dilemma in which Phillip was placed when it was discovered that through the negligence of the Government officials and the masters of the transports, there was no means of ascertaining the terms for which the convicts had been sentenced, or even the dates of their convictions, proved an awkward one when the men concerned came forward to claim their discharge. According to the law then in force, the servitude of the prisoners had been transferred from the Crown to the masters of the transports, who had entered into bonds for the performance of their contracts to transport them; and Phillip was instructed to take care, before the transports were discharged, to obtain an assignment of the servitude from the masters to himself.* The discovery that all the official papers relating to the convictions had been left behind was no doubt made when he called upon the masters to execute these assignments. Had the officials in charge of the business done their duty, he would not have been left without the necessary information. A list of the convicts sent out in the First Fleet, specifying their names, where convicted, date of conviction, and the terms of their sentences, was published as an

Transfer of servitude.

Official list of persons transported.

* Post, p. 483.

1788 appendix to Phillip's Voyage; and if such a list had been
 9 July. placed in his hands before he sailed, no difficulty could have
 arisen in the matter.

Small proportion of serious offences.

According to the list of names published in that work, out of a total of seven hundred and seventy-five persons transported, there were only twenty sentenced to fourteen years and thirty-six to life. The rest were sentenced to seven years, or less. The number of persons convicted of serious offences did not, therefore, exceed fifty-six; a very small proportion to the whole number. Under the penal legislation of the time, a sentence of five or seven years' transportation was passed only in cases of minor offences; so that the great majority of the persons sent out in the First Fleet did not by any means represent the worst sections of the criminal class.

Jeremy Bentham's opinion.

As a matter of fact, there was no difference, so far as the sentence was concerned, between one for five years and one for life; seeing that there was no chance of escape from the settlement in either case. Jeremy Bentham argued that the convict whose sentence had expired was entitled to a return passage to England, and that detention in the colony after expiration of the term was false imprisonment:—"Was it [the intention] that they should be left fixed for life on the spot to which they were consigned with such nicety of discrimination for fourteen, seven, and five years? If so, what is the sentence, or the pretended execution of it, but a mockery of justice?"*

Scarcity of food inland.

A convict who fled to the woods after committing a robbery returned after being absent eighteen days, forced in by hunger. He had got some small support from the people and the few fish left by accident on the beach, after hauling the seine, and had endeavoured to live amongst the natives, but they could give him but little assistance. He says that they are now greatly distressed for food, and that he saw several dying with hunger. It is possible that some of the natives at this time of the year might find

* Panopticon, pp. 225-6; post, p. 583.

it easier to support themselves on birds and such animals as shelter themselves in the hollow trees, than on fish ; but then, I think, they would not go to the top of the mountains, where at present it must be very cold. I intend going to Landsdown or Carmarthen Hills as soon as the weather permits, if it is possible, and which will explain, what is at present a mystery to me, how people who have not the least idea of cultivation can maintain themselves in the interior parts of this country. When I went to the westward in hopes of being able to reach the mountains, we carried six days' provisions, and proceeded five days to the westward. Returning we were very short of provisions, and our guns only procured us two scanty meals.

1788

9 July.

How the
natives lived
in the bush.

The mystery which puzzled Phillip and his contemporaries so much—how the natives contrived to keep themselves alive in the bush—remained a mystery for many years after his time. It was not until the explorers of comparatively recent days made their way into the interior, that the means of subsistence available to the natives inland became known. The idea that the native population was confined to the sea-coast was almost universally entertained, in the first instance ; and the interior of the country was looked upon as an uninhabited wilderness, in which it would be impossible to find sufficient food to maintain life for a week. Hence the stories about natives seen “dying with hunger” in the bush, and human bodies roasting on their fires—as if they had been driven to cannibal practices in order to save themselves from starvation. The fact was that, except in times of drought, the inland natives were well supplied by nature.*

Mystery
cleared up.

I shall now conclude with saying that I have no doubt but that the country will hereafter prove a most valuable acquisition to Great Britain, though at present no country can afford less support to the first settlers, or be more disadvantageously placed for receiving support from the mother country, on which it must for a time depend. It will require patience and perseverance, neither of which will, I hope, be wanting on my part.

Prospects of
the colony.

* Post, p. 552. Dampier came to the conclusion, in 1688, that the natives could find no food inland :—“They must attend the Wares [for catching fish], or else they must fast : For the Earth affords them no Food at all.”—Vol. i, p. 465.

1788 Here Phillip closed his letter; but the two following
 9 July. paragraphs were afterwards added:—

County of
 Cumberland
 proclaimed.

His Majesty's Commission, with that for establishing the Courts of Civil and Criminal Judicature, were read soon after landing; and as it is necessary in public acts to name the county, I named it Cumberland, and fixed its boundaries by Carmarthen and Landsdown Hills to the westward, by the northern parts of Broken Bay to the northward, and by the southernmost part of Botany Bay to the southward.

The hospital.

I have enclosed copies of a letter I have received from the surgeon, reporting the state of the hospital and the great necessity of *blankets* and *sheets*, as well as sugar, and those articles coming under the denomination of necessaries, and the want of which is equally felt by the marines and convicts.

The sick
 neglected.

The necessity of providing for the wants of the sick was frequently referred to in Phillip's letters before the First Fleet sailed. Although there was every reason to anticipate attacks of scurvy and other complaints, not only during the passage but after the arrival of the ships in port, the most ordinary precautions seem to have been neglected. With all his efforts to procure the requisite supplies, Phillip was unable to provide the medical staff with the common necessaries of which they were in daily need. From the Surgeon's letter to which he referred, it appears that blankets and sheets had not been sent out, and the patients were consequently left to lie on their beds without them—one of the results being that "attention to cleanliness was utterly impossible." The ordinary articles of hospital diet were also wanting; there was no sugar, sago, barley, rice, oatmeal, or vinegar; and the patients were consequently dieted on salt provisions, "without any possibility of a change." At the time Phillip wrote on this subject, there were over one hundred persons on the sick list; and the hospital tents had been fully occupied from the arrival of the Fleet. According to White, no sooner had the tents been put up than they were "filled with patients afflicted with the true camp dysentery and the scurvy. More pitiable

No bedding.

No food.

objects were perhaps never seen. Not a comfort or convenience could be got for them, besides the very few we had with us.”* 1788
12 July.

In another last note to Nepean, Phillip mentioned some other necessities which were very much needed at the same time. The italics in this letter, as well as the spelling, are his own.

To the articles which I have mentioned as more immediately wanted, the following, tho’ so very necessary, have escaped my memory till this moment :—*Leather for soles for the men’s shoes and the materials for mending them.* Repairs wanted, Shoes here last but a very short time, and the want of these materials, and thread to mend the cloathing, will render it impossible to make them serve more than half the time for which they were intended. This country requires warm cloathing in the winter. The rains are frequent, and the nights very cold.

Vinegar will be very acceptable ; it is much wanted.

and vinegar.

The next despatch to Lord Sydney was written in compliance with the Royal instruction that full reports should be transmitted with respect to the natives, and also concerning “the actual state and quality of the soil at and near the settlement, the probable and most effectual means of improving and cultivating the same, and of the mode, and upon what terms and conditions, the lands should be granted.”† Phillip was not at this time in a position to report specially upon either of these topics. All the information he had been able to gather about them he had already conveyed to the Home Secretary ; but conceiving that something in the shape of a formal report was expected Reports on the natives and the land.

* Journal, p. 122. He adds :—“The sick have increased since our landing to such a degree that a spot for a general hospital has been marked out, and artificers already employed on it.” From which it would appear that M. Péron was misinformed when he stated that a hospital had been brought out in frame from England, capable of receiving all the sick on board the Fleet. A hospital was brought out in frame in the *Justinian*, which arrived in June, 1790 ; hence, probably, Péron’s mistake. The only building brought out in the First Fleet was a small house for the Governor —“a portable canvas house,” Collins calls it,—p. 6.

† Post, pp. 485-7.

1788 from him, he proceeded to summarise the results of his reflections in the following manner :—
16 July.

In obedience to the instructions I received under the Royal Sign Manual respecting the natives, and transmitting an account of the nature and quality of the soil in and near the settlement, and the mode, and upon what terms and conditions, according to the best of my judgement, lands may be granted,—

Treatment
of the
natives.

I have the honor of informing your lordship that the natives have ever been treated with the greatest humanity and attention, and every precaution that was possible has been taken to prevent their receiving any insults ; and when I shall have time to mix more with them, every means shall be used to reconcile them to live amongst us, and to teach them the advantages they will reap from cultivating the land, which will enable them to support themselves at this season of the year, when fish are so scarce that many of them perish with hunger—at least I have strong reason to suppose that to be the case. Their number in the neighbourhood of this settlement, that is, within ten miles to the northward and ten miles to the southward, I reckon at one thousand five hundred.

Their
numbers.

The soil.

With respect to the soil, I have had the honor of informing your lordship that near the head of the harbour there is a tract of country running to the westward for many miles, which appears to be in general rich good land. The breadth of this tract of country I have not yet been able to examine, but I believe it to be considerable. These lands and several particular spots may be settled, and the ground cleared of timber, without the great labour we experience in the situation in which I have been obliged to fix the colony.

Farmers
would
require
support.

Farmers and people used to the cultivation of lands, if sent out (and without which agriculture will make but a very slow progress), must be supported by Government for two or three years, and have the labour of a certain number of convicts to assist them for that time, after which they may be able to support themselves, and to take the convicts sent out at the expense which Government is put to for their transportation ; but then, I presume, none should be sent whose sentence is for a less term than fourteen years. A yearly fine to be paid for the lands granted, after the fifth year, the fine to be in grain, and in proportion to the crop ; and this, I should hope, would be the only tax laid on the crops, giving the Church lands in the room of tythes.

Church
lands.

The sending out settlers who will be interested in the labour of the convicts, and in the cultivation of the country, appears to me to be absolutely necessary. 1788 10 July.

Lands granted to officers or settlers will, I presume, be on condition of a certain proportion of the land so granted being cultivated or cleared within a certain time, and which time and quantity can only be determined by the nature of the ground and situation of the lands. And, in that case, when lands are granted to officers the garrison must be sufficient for the service of the place, and to permit such officers occasionally to be absent at the lands they are to cultivate, and for a certain time. They likewise must be allowed convicts, who must be maintained at the expense of the Crown. Conditions of grants.

Your lordship will be pleased to consider this opinion as given in obedience to orders, on a subject which requires more consideration than I can give it at present, and at a time when I have only a very superficial knowledge of the country for a few miles around. Apologetic.

Although Phillip's knowledge of the country was necessarily superficial, his remarks on the subject contain the germ of the policy which was subsequently adopted by the Government, and which ultimately led to the successful results obtained under later administrations. The only practicable means by which the labour of the convicts could be utilised was by assigning them to settlers, whose sense of self-interest would induce them to supervise their labourers efficiently, and by that means extract from them a reasonable amount of work. This system differed essentially from the American, which amounted to nothing more than a sale of the convict from the master of the transport to the planter, for the unexpired term of the sentence,—the Government having nothing to do with the transaction. Under Phillip's proposals, the Government did not part with their control over the convicts after the assignment, while the terms of the bargain gave the employer every reason to treat his servants properly. That this system ultimately gave rise to many lamentable abuses does not prove that Phillip's policy was unsound; because the abuses did not Assignment system.
American system.
Phillip's plan.

1788 show themselves until it had been carried to a point which
 10 July. he had never contemplated when drafting his ideas on the subject.

Despatches
sent in
triplicate.

The ships were now nearly ready for sea, and Phillip wrote final letters to Sydney and Nepean a few days before they sailed. In one to the Under Secretary, he mentions that he had sent three copies of his despatches by different ships—the object being to ensure not only the safety, but the earliest possible delivery, of his correspondence. When he wrote by different ships, he was always under a doubt as to whether “the letter last written might not be the first received.” There was no means in those days of calculating, with any degree of accuracy, the probable time of a ship’s arrival in England.

Route to
England—

via Cape
Horn
condemned;

via Torres
Straits
adopted.

As these ships were the first to undertake a voyage from Port Jackson to England, the route by which they were to go became a question of great importance, as well as interest, to all concerned; and Phillip accordingly took the opinions of the masters on the subject. Of the different routes before them, the southern one by Van Diemen’s Land was condemned because the season was too far advanced, while the passage by Cape Horn was objected to by the Governor. It was therefore agreed that they should go to the northward, either through Endeavour Straits—as they were then called—or round New Guinea; although such a course would involve “exploring a passage through an unknown sea perplexed with islands, by men destitute of charts or observations of former navigators.”*

Despatches.

By the *Alexander*, under the care of Lieutenant Shortland, agent for the transports, I have sent despatches for the Right Honourable the Lord Sydney and for yourself, with a rough survey of Port Jackson. Duplicates of these despatches go by the *Friendship* under the care of Lieutenant Collins, of the marines, triplicates of most by the master of the *Borrowdale*, and a quad-

* Phillip’s Voyage, p. 185. The voyage of the *Alexander* through the Straits was considered a matter of so much importance, from a nautical point of view, that a full account of it, with a chart showing the ship’s track to Batavia, was published in that work, pp. 186-219.

riplicate of my publick letter to you by the Prince of Wales. 1788
 With your despatches I have sent duplicates and triplicates of my 10 July.
 publick letters to the Admiralty and Navy Board, and I have
 taken the liberty of troubling you with some private letters.

Lieutenant Shortland is likewise charged with a box of letters
 from Monsieur la Pérouse for the French Ambassador.

The box of letters for the French Ambassador in London
 contained La Pérouse's account of his voyage from Kam-
 schatka to Botany Bay, and of his stay there from the 26th
 January to the 10th March. He had no doubt a good deal
 to say about the English ships he had met coming out of the
 bay while he was beating in, and of the subsequent pro-
 ceedings of their commodore. In the last lines written by
 him in the published narrative of his Voyage, he wrote that
 the lieutenant sent on board his ship "appeared to make
 a great mystery of Commodore Phillip's plan, and we did
 not take the liberty of putting any questions to him on the
 subject. The crew of the English boat, less discreet than
 their officer, soon informed our people that they were going
 to Port Jackson, sixteen miles north of Point Banks, where
 Commodore Phillip had himself reconnoitred a very good
 harbour, which ran ten miles into the land to the south-
 west, and in which the ships might anchor within pistol-shot
 of the shore, in water as smooth as that of a basin."* The
 reason why the French ships stayed so long was not known
 to Phillip; nor did he express any curiosity on the subject.
 The box of letters reached the French Ambassador in March
 of the following year; and that was the last tidings received
 from poor Jean François Galaup de la Pérouse.

La Pérouse's
letters.

Last lines
from Botany
Bay.

Yesterday twenty of the natives came down to the beach, each
 armed with a number of spears, and seized on a good part of the
 fish caught in the seine. The coxswain had been ordered, however
 small the quantity he caught, always to give them a part whenever
 any of them came where he was fishing, and this was the first
 time they ever attempted to take any by force. While the greatest
 number were seizing the fish, several stood at a small distance

Natives
claim a
share of
the fish.

* Voyage, vol. ii, p. 180.

1788

10 July.

Fish or
fight.

with their spears poised, ready to throw them if any resistance had been made, but the coxswain very prudently permitted them to take what they chose, and parted good friends. They at present find it very difficult to support themselves.

Port order.

In consequence of what happened yesterday, no boat will in future go down the harbour without an officer.

Painful
position.

Two short notes were written to Sydney, "just before the mail closed,"—as we should say—in which Phillip addressed him as a personal friend. In the first he referred, with unconscious pathos, to the painful position in which he found himself placed, cut off from all society and surrounded by the most infamous of mankind; showing at the same time what support he derived, in the midst of his trials and privations, from the consciousness that he was doing good work in the world. Two other points are not less noticeable in this letter,—his confidence in the future of the colony, and the warmth of his friendship for King.

Little
difficulties.

The public letters to your lordship will show the situation of this settlement and the little difficultys we have met with, which time, an additional force, and proper people for cultivating the land will remove; and your lordship may be assured that, anxious to render a very essential service to my country by the establishment of a colony, which from its situation must hereafter be a valuable acquisition to Great Britain, no perseverance will be wanting on my part, and which consideration alone could make amends for the being surrounded by the most infamous of mankind.

Compensa-
tion for
exile.Confidence
in the
future.

It is to your lordship and to Nepean only that I make a declaration of this kind. Time will remove all difficulties, and with a few families who have been used to the cultivation of lands this country will wear a more pleasing aspect, and those who are to come out, knowing what the country really is, will be less disappointed. As to myself, I am satisfied to remain as long as my services are wanted. I am serving my country, and serving the cause of humanity.

Our sole
dependenc

I flatter myself that by the return of the ships that brought [? brings] us out provisions, and *on which is placed our sole dependence*, I shall be able to give your lordship a more satisfactory account of this country.

Lieutenant Philip Gidley King, the second lieutenant of the 1788
 Sirius, who is at Norfolk Island, is a very steady, good officer. 10 July.
 He, too, is cut off from all society, and is in a situation that will
 require patience and perseverance, both of which he possesses, with
 great merit in the service as an officer. As such I beg leave to King recom-
 recommend him to your lordship. The rank of master and com- mended.
 mander he well earned in the late war, and I should be very happy
 if he now attained it thro' your lordship.*

The last note sent to Sydney informed him of certain
 presents shipped on board the Alexander for friends in Presents for
 England, including some birds from Lord Howe Island for friends at
 Lady Chatham. home.

The kangurro† for your lordship is the largest I have yet seen. The first
 As it stands, it measures five feet nine inches. This extraordinary kangaroo
 animal makes the same use of its fore feet as a monkey does. sent to
 Major Ross has one alive. It is young, very tame, and comes England.
 to you and embraces your hands with the fore feet. The female
 was killed, and the young one remained by the body.

The Sirius being under orders to sail for the Cape of Good Letters r/d
 Hope as soon as she could be got ready for sea, Phillip pre- the Cape.
 pared a despatch for the Home Secretary on the 28th Sep-
 tember, to be forwarded by Captain Hunter from the Cape.
 His original intention was to send the ship northward—to
 Savu or the Navigators' Islands—for live stock ; but finding

* The rank of master and commander was conferred on King in March,
 1791 : post, p. 368.

† The spelling of the word kangaroo appears to have been an open ques-
 tion at this time. Phillip usually spelt it in its present form. Captain
 Cook, who introduced it to the English language, said :—"This animal is
 called by the natives kangaroo."—Hawkesworth, vol. iii, p. 578. The
 word is so spelled in Phillip's Voyage in the text, but in the illustration it
 appears as "kangooroo." Collins, who paid some attention to the native
 language, spells the word kangooroo in his list of native names ; p. 614.
 Tench states that the word was unknown to the natives about the settle-
 ment :—"Kangaroo was a name unknown to them for any animal, until we
 introduced it. When I showed Colbee [a native] the cows brought out in
 the Gorgon, he asked me if they were kangaroos?"—Complete Account,
 p. 171." This statement seems to be confirmed by the list of native names
 for animals given by Collins. It does not mention the kangaroo as a name
 in use among the natives at Port Jackson, but specifies the two kinds known
 to them—the patagorang, a large grey one, and the baggary, a small red
 one. He states (p. 609) that "the dialect spoken by the natives at
 Sydney differs entirely from that left us by Captain Cook of the people
 with whom he had intercourse to the northward, about Endeavour River."

1788 that there was no means at that time of keeping them
28 Sept. alive in the colony—"many being under the necessity of frequently killing a part of what they have for want of food to support them"—he determined to send to the Cape for seed grain, flour, and other necessaries. The Sirius accordingly sailed on the 2nd October.

Progress at
Norfolk
Island.

Flax and
timber.

The most important intelligence which Phillip had to communicate on this occasion was the cheering prospects of the little settlement at Norfolk Island. The good news received from Lieutenant King, the energetic Commandant, had evidently put him in good spirits; and in that pleasant frame of mind he proceeded to describe the position of affairs on the island. Knowing that great hopes were entertained in England with respect to the probable supply of timber, canvas, and cordage for the use of the navy, he felt some satisfaction in stating that the pine-trees and the flax-plant were likely to answer all the expectations that had been formed of them. The celebrity which he fondly hoped would be acquired for those productions was never obtained; nor had he any conception at that time of the very different reputation which the island was destined to acquire.

King's
report.

Extracts from my letters by the ships which sailed in July accompany this letter; and I have now the honor of informing your lordship that the Supply sailed for Norfolk Island the 17th of July, and returning the 26th of August, brought me the following particulars from the Commandant of that island. He says that, immediately after being landed, they proceeded to clear ground sufficient for building huts for themselves and a store-house, the whole island not affording a single acre free from timber. They were landed on the south-west end of the island, a rough sketch of which I received from that officer, and have the honor of enclosing your lordship. The bay in which they landed is sheltered by a reef of coral rock, through which there is a passage for a boat, but which, with the tide of flood when the wind is westerly, makes the landing dangerous; and a midshipman who was ordered to lay within the reef in order to attend the boats coming on shore, imprudently letting the boat drive into the surf, was lost with four

Boat's crew
lost.

men. This was the second time the boat had been overset with that midshipman in her, and the first time one man was lost. 1788
28 Sept.

The want of a good landing-place and security for vessels in the winter is the only thing to be wished for, the island being in every other respect one of the finest in the world. The earth is very rich—mould to the depth of five and six feet wherever they have dug so deep—and all the grain and garden seeds which have been put into the ground growing in the most luxuriant manner. This island, from the great quantity of pumice-stone found there, must formerly have been a volcano, the mouth of which, it is probable, will be found on the top of a small mountain near the middle of the island, which he [Lieutenant King] has named Mount Pitt. The island is exceedingly well watered, a strong stream, which rises at or near Mount Pitt, running through a very fine valley, sufficiently strong to turn a mill, though divided into several branches; and very fine springs of water are found in different parts of the island. Description of the island.
Plenty of water.

There are several small bays, and there are some hopes of finding a better landing-place; but the necessity of employing everyone in sheltering themselves and the provisions from the weather, the small number of people—only seventeen men and six women—and the whole island being covered with wood, which a sort of supple-jack interwoven with the trees renders almost impassable, have hitherto prevented its being examined. With this small number Mr. King has cleared sufficient ground to have vegetables of every kind in the greatest abundance, three acres in barley, part of which had been first sown with wheat, but none of which came up, the grain being injured by the weevil; and ground was ready to receive rice and Indian corn when the Supply was there. All his people were in good houses, and he says that he has no doubt but that within three years they shall be in such a situation as to support themselves, with the assistance of a small proportion of salt provisions; and that they will not stand in need of that after the fourth year. They have fish in great abundance, some turtle in the season, great number of pigeons, and have found the plantain growing wild. No good landing-place.
Cultivation.
Good prospects.

The flax-plant (some roots of which I shall send by the Sirius to the Cape to be forwarded to England) is found very luxuriant all over the island, growing to the height of eight feet. Unfortunately, the person I sent who called himself a flax-dresser, cannot prepare Flax.

1788
28 Sept.

Timber
for ship-
building.

Sirius
wrecked,
March, 1790.

it, as this plant requires a different treatment in the dressing to what the European flax-plant does. Your lordship, I presume, will order proper persons to be sent out, by which means that island will, in a very short time, be able to furnish a considerable quantity of flax. The pine-trees, in the opinion of the carpenter of the Supply, who is a good judge, are superior to any he has ever seen ; and the island affords excellent timber for ship-building, as well as for masts and yards, with which I make no doubt but his Majesty's ships in the East Indies may be supplied, as likewise with pitch and tar, the only difficulty being the want of a good landing-place ; and I have not the least doubt but that one will be found in the small bays ; or if not, Mr. King proposes blowing up two or three small rocks which make the reef dangerous ; but if disappointed in both, there will be no danger in the summer-time ; and I am assured by the master of the Supply it will be safer for a ship to load with masts and spars at Norfolk Island than it is in Riga Bay, where so many ships load yearly.

Specimen
spars for
the navy.

Live stock
to be sent.

The Supply has been twice to the island, but in this season we have blowing weather, and that has prevented our receiving any spars. The Golden Grove will sail the beginning of October, with one petty officer, a sergeant, corporal, and six marines, twenty men and ten women convicts, and eighteen months' provisions, for the island ; and by that ship I expect spars, some of which shall be sent to the Commissioners of his Majesty's Navy that they may be properly examined, as I believe the wood is nearly as light as the best Norway masts, and grows to a most extraordinary size, some of the trees measuring from one hundred and sixty to one hundred and eighty feet, and rise eighty feet without a branch. The turpentine from them is very white, and in the opinion of those who have seen it, is of the purest kind. The fern-tree is likewise found of a good height, measuring from seventy to eighty feet, and affords good food for the hogs, sheep, and goats, all of which thrive ; and I shall send them what live stock we now have remaining of what was purchased on account of Government. No quadrupeds have been seen, except rats, which at present overrun the island, but which the cats and terrier dogs intended to be sent will, I hope, soon destroy. Until that is done, their crops must suffer very considerably. There are likewise great plenty of cabbage-trees, but not a single blade of grass has been seen on the island, the pigeons, sheep, and goats eating the leaves of the shrubs

and of particular trees, with which they grow very fat. Two 1788
canoes were found on the rocks, probably driven from New Zea- 28 Sept.
land.

They had not such heavy storms of thunder as we have experi- Climate.
enced, and the people have been very healthy.

I think this island will answer the most sanguine expectations, Sanguine
and am satisfied that the officer who commands there will, in a expecta-
very few years, not only put that island in a situation to support tions.
itself, but to assist this colony.

All that was known about Norfolk Island in England
having been derived from the account of it in Cook's Cook's ac-
Voyage towards the South Pole, it was no doubt pleasing count of the
news for the Home Secretary to learn that any sanguine island.
expectations could be formed of it, seeing that Cook's de-
scription of its resources was not by any means enthusiastic.
He stayed there only during the day on which he discovered
it—the 10th October, 1774; and his remarks about the flax-
plant and the pine-trees contain no suggestions as to their Silent as to
probable value for naval purposes. That idea seems to value of flax
have owed its origin to his description of the plant and the and timber.
trees in New Zealand. At Norfolk Island, he said—

We observed many trees and plants common at New Zealand; and in
particular the flax-plant, which is rather more luxuriant here than in any
part of that country; but the chief produce is a sort of spruce pine, which
grows in great abundance and to a large size, many of the trees being as
thick, breast high, as two men could fathom, and exceedingly straight and
tall. This pine is of a sort between that which grows in New Zealand, and
that in New Caledonia; the foliage differing something from both; and the
wood not so heavy as the former, nor so light and close grained as the
latter.*

It will be seen, on reference to Matra's and Sir George
Young's proposals for the colonisation of New South Wales,
that English manufacturers had expressed their opinions Opinions of
strongly in favour of the New Zealand flax as material for experts.
navy cordage, canvas, and other purposes; and one of the
arguments urged in support of the proposals was that the
plant might be cultivated, and that the New Zealand tim-
ber might be obtained for masts and ship-building. These

* Voyage towards the South Pole, vol. ii, p. 148.

1788

28 Sept.

Colonisation
of New
Zealand.The ships
in port.

points were also dwelt upon in the Heads of a Plan. But nothing was said in those documents about the native flax and timber of Norfolk Island. From Sir George Young's petition for a grant of that island, it might be inferred that the idea of occupying it with a view to those particular industries originated with him—in other words, that he had suggested the matter to the Government. It deserves to be noted that, notwithstanding the importance attached to the products in question, no proposal was made for the colonisation of New Zealand, although Captain Cook had pointed out its advantages for the purpose.*

As soon as the rains permitted the getting the provisions on shore from the two remaining store-ships they were cleared, except of the spirits, which are on board of one of them, and which will be landed the end of this month. It was my intention to send the two store-ships away together, and expected they would be ready to sail the first week in October; and the *Sirius* was ordered to be ready to sail about the same time to the northward, in order to procure live stock; but it was now found that very little of the English wheat had vegetated, and a very considerable quantity of

* "If the settling of this country should ever be thought an object worthy the attention of Great Britain, the best place for establishing a colony would be either on the banks of the Thames or in the country bordering upon the Bay of Islands. In either place there would be the advantage of an excellent harbour; and by means of the river, settlements might be extended and a communication established with the inland parts of the country. Vessels might be built of the fine timber which abounds in these parts, at very little trouble and expence, fit for such a navigation as would answer the purpose."—Hawkesworth, vol. iii, p. 444.

As the cultivation of the New Zealand flax-plant continued to be an object of importance with the Government for some years, and the description of it in Cook's Voyage was the means of directing attention to it in the first instance, it is worth while to quote the passage:—"There is, however, a plant that serves the inhabitants instead of hemp and flax, which excels all that are put to the same purpose in other countries. Of this plant there are two sorts. The leaves of both resemble those of flax, but the flowers are smaller and their clusters more numerous; in one kind they are yellow, and in the other a deep red. Of the leaves of these plants, with very little preparation, they make all their common apparel; and of these they make also their strings, lines and cordage for every purpose, which are so much stronger than anything we can make with hemp, that they will not bear a comparison. From the same plant, by another preparation, they draw long slender fibres which shine like silk, and are as white as snow. Of these, which are also surprisingly strong, the finer clothes are made; and of the leaves, without any other preparation than splitting them into proper breadths and tying the strips together, they make their fishing-nets, some of which, as I have before remarked, are of an enormous size."—*Ib.*, p. 443.

barley and many seeds had rotted in the ground, having been heated in the passage, and some much injured by the weevil; all the barley and wheat, likewise, which had been put on board the Supply at the Cape, were destroyed by the weevil. The ground was therefore necessarily sown a second time with the seed which I had saved for the next year, in case the crops in the ground met with any accident. The wheat sent to Norfolk Island had likewise failed, and there did not remain seed to sow one acre. I could not be certain that the ships which are expected would bring any quantity of grain, or if put on board them, that they would preserve it good by a proper attention to the stowage, to the want of which I impute our present loss.

1788

28 Sept.

Seed spoiled on the voyage.

Bad stowage.

The colony not being in a state to support any considerable quantity of live stock, many being under the necessity at present of frequently killing a part of what they have for want of food to support them, I should be obliged to kill what the Sirius might procure, and which could not be expected to exceed ten or fourteen days' provision for the settlement. And we now have not more than a year's bread in store, having been obliged to furnish the Sirius and the Supply with provisions. On these considerations, but more immediately from the fear of not having grain to put into the ground next year, when we shall have a more considerable quantity of ground to sow, I have thought it necessary to order the Sirius to go to the Cape of Good Hope in order to procure grain, and at the same time what quantity of flour and provisions she can receive.

Live stock killed for want of grass.

Sirius sent to the Cape.

Captain Hunter is likewise ordered to purchase what necessaries the surgeon of the hospital demands for six months, no necessaries of any kind, according to his letter which is enclosed, having been sent out. Fifteen pipes of wine were purchased at Rio de Janeiro, which were all that could be procured, and I presume, as thirty pipes were ordered, the remainder will be sent out by any ship that may stop at Teneriffe. I have only ordered a sufficient quantity of necessaries to be purchased for that time, as a demand has been made in my first letter to your lordship. The cellar for receiving the spirits will be finished, and the Fishburn store-ship cleared and ready to sail, by the time the Golden Grove returns from Norfolk Island, when both ships shall be immediately ordered to England.

Hospital necessaries.

A Government cellar.

1783 Your lordship will see by the returns the state of the garrison
28 Sept. and the provisions remaining in store. What the Sirius will bring
Regular will be mostly flour, and that she may take on board as large a
supplies. quantity as possible, I have ordered some of her guns to be landed.
I presume that your lordship will see the necessity of this colony
having always a certain quantity of provisions in store.

As soon as the Sirius sails, I intend going up the harbour to the
ground pointed out in my former letters as more easily cultivated
Going to than the lands round us, with a small detachment, consisting of
Rose Hill. two lieutenants, one captain, and twenty-five non-commissioned
officers and privates, and forty or fifty convicts, who will be
employed in cultivating the ground. I purpose remaining with
this party until they are settled, and have no doubt, when settlers
Free settlers come out and proper people to superintend the convicts that will
and superin- be employed for the Crown, but that two or three years will give
tendents. this country a very different aspect, and in the meantime the
clearing the ground near the settlement shall not be neglected.

The hutting the detachment has been going on under the direction
of the Major-Commandant. The officers have all separate houses,
and, except one or two, are now under cover. The barracks are
Military still in hand. There being some carpenters and sawyers in the
mechanics. different companies, I ordered them to be employed as such; and
it being customary to pay the soldiers when so employed, and
Major Ross thinking they could not otherwise be set to work as
artificers, I have enclosed this report of such as have been employed
for your lordship's approbation.

I have likewise the honor of enclosing your lordship his returns
Major Ross's of such officers as wish to be relieved at the expiration of the three
returns. years for which they were sent out, and of those who are desirous
of remaining; as likewise copies of his letter and my answer,
respecting the encouragement offered by Government to settlers.

The list of officers and men who wished to be relieved
Marines at the expiration of their term of three years shows that
decline to out of the total number of one hundred and sixty privates
remain. there was only one man who desired to remain as a settler;
and only two officers—Tench and Dawes—with one pri-
vate, who would remain as soldiers for another term of
three years.* Three officers, of whom one was Lieutenant

* The list appears in Phillip's Voyage, p. 174, dated 1st October, 1788.

George Johnston, were unable to make up their minds on the matter ; one serjeant and one private were willing to stay as soldiers. Altogether, there were only nine men in the detachment who had any thought of remaining in the colony even for a few years. The rest, with Major Ross at their head, were unanimous in their desire to leave. Evidently, therefore, they had seen very little in the country to attract them, or to create any desire to make their homes in it. But at this time nothing had been officially settled with respect to "the encouragement offered by Government to settlers"; nor was the matter settled until the special Instructions on the subject, signed at Whitehall on the 24th August, 1789, reached the colony. In the absence of this information, there was no inducement to the soldiers to offer themselves as settlers ; a fact which may possibly account for the state of the return sent in by Major Ross.*

1788

28 Sept.

No desire
to become
settlers.No
inducement
offered.

The barracks, officers' houses, hospital, store-houses for the use of the detachment and for the public stores, are buildings that will stand for some years, as they will hereafter be walled up with brick or stone, if limestone can be found in the country, or if sent out as ballast in the transports.

Durable
buildings.

The detachment is now enclosing ground for their gardens, and we have about six acres of wheat, eight of barley, and six acres of other grain, all which, as well as such garden seeds as were not spoiled, promised well ; and though the soil is in general a light sandy soil, it is, I believe, as good as what is commonly found near the sea-coast in other parts of the world. The great inconvenience we find is from the rocks and the labour of clearing away the woods which surround us, and which are mostly gum-trees of a very large size, and which are only useful as firewood, though I think that when we can cut them down in the winter and give them time to season, they may be made useful in building.†

Soldiers'
gardens.Rocks and
gum-trees.

* Tench mentions, under date December, 1791, that in consequence of the offers made to the non-commissioned officers and privates of the marine battalion to remain in the country as settlers, or to enter into the New South Wales corps, three corporals, one drummer, and fifty-nine privates, accepted of grants of land, to settle at Norfolk Island and Rose Hill.—Complete Account, p. 139.

† Some idea of the size of the gum-trees which surrounded the settlement at the time may be gathered from Surgeon White's statement, that he had

- 1788 The fish begin to return with the warm weather, but I fear we
28 Sept. shall never be able to save any part of the provisions by the
quantity that will be taken.
- Rains. The rainy season is, I hope, nearly over, and though we have
had very heavy rains they have not been more frequent than was
expected, and were chiefly confined to a few days near the full and
change of the moon.
- Climate and
fruit-trees. The climate is equal to the finest in Europe, and we very seldom
have any fogs. All the plants and fruit-trees brought from the
Brazil and the Cape that did not die on the passage thrive exceed-
ingly well; and we do not want vegetables, good in their kind,
which are natural to the country.*
- Island
women. With respect to the sending to the islands for women, your
lordship will, I believe, think that in the present situation of this
colony it would be only bringing them to pine away a few years in
misery; and I am very sorry to say that those we have are most
of them very abandoned wretches; still, more women will be
necessary when more convicts are sent out.
- Stone houses
and church. Stone houses that will not be in danger from fire will, if pos-
sible, be erected in the course of the summer, as likewise a place
of worship; and if ships coming out bring limestone as ballast
these very necessary works will go on fast. At present we are
obliged to lay the bricks and stones in clay, and of course to make
the walls of an extraordinary thickness; and even then they are
not to be depended on.
- No lime-
stone.

known twelve men employed for five days in grubbing up one tree.—*Journal*, p. 158. Another illustration may be found in the first edition of *Dr. Lang's Historical Account of New South Wales*, 1834, vol. i, p. 30:—"On the summit of the ridge on which the Scots' Church was erected, in the year 1824, a large blue-gum tree of about six feet in diameter had been cut down about thirty-five years before; but the stump, which had been left standing in the ground, was still to all appearances as fresh, and the root as firmly fixed in the soil, as if it had been cut down only a few days previous. It was found necessary to remove the stump, as it interfered with the line of the foundation of the proposed building, and for this purpose a pile of wood and turf was heaped over it and set fire to; but it took about ten days or a fortnight to burn out the old root."

* Among the wild vegetables referred to, Surgeon White mentions "a plant growing on the sea-shore, greatly resembling sage; samphire, and a kind of wild spinage, besides a small shrub which we distinguish by the name of the vegetable-tree, and the leaves of which prove rather a pleasant substitute for vegetables." The sweet tea plant he describes as "a creeping kind of vine, running along the ground; the taste is sweet, exactly like the liquorice-root of the shops." It was largely used as a substitute for tea, and also for medical purposes.—*Journal*, pp. 195-6; post, p. 345 n.

The building of a place of worship during the summer months was one of the many improvements which Phillip had designed in connection with the foundation of a town ; but it was never carried out, owing—as Collins says—to “the pressure of other works.”* It was not until July, 1793, that the building of a place of worship was begun, and then it was at the expense of the chaplain, the Rev. Richard Johnson. Although his Majesty had instructed Phillip, by all proper methods, to enforce a due observance of religion and good order among the inhabitants of the new settlement, and to take such steps for the due celebration of public worship as circumstances would permit,† nothing was done for the purpose of enabling him to carry out this instruction beyond the appointment of a chaplain. It was quite consistent with the character of the age that the interests of religion were considered to be duly provided for, when a chaplain had been appointed at ten shillings a day and his rations. No provision was made for the necessary expenses connected with religious services ; still less for the erection of a proper building.

1788

28 Sept.

The first church.

Public worship.

This country is supposed to have mines of iron and tin, or silver, by those who have been used to work in mines ; but I give no encouragement to search after what, if found in our present situation, would be the greatest evil that could befall the settlement.

Minerals.

A convict used to work in the Staffordshire lead mines says the ground we are now clearing contains a large quantity of that metal ; and copper is supposed to lie under some rocks which have been blown in sinking a cellar for the spirits. I have no doubt but that the earth contains iron and other metals, and that mines may hereafter be worked to great advantage. The red used by the painters, and which they call Spanish brown, is found in great abundance ; and the white clay with which the natives paint themselves is still in greater plenty, and which the Abbé that came out with Monsieur la Pérouse as a naturalist told me, if cleared of the sand (which may be done with little trouble), would make good

Lead, copper, and iron.

Clay for china.

* Account of the Colony, p. 297.

† Post, p. 485.

1788 china. Specimens were sent to Sir Joseph Banks, and a stone
28 Sept. taken out of a slate quarry that I thought contained some
metal.*

Discovery
of mines
anticipated.

Prophetic.

Mining
specula-
tions.

Tench mentions that "previous to leaving England, I remember to have frequently heard it asserted that "the discovery of mines was one of the secondary objects of the Expedition."† There was no foundation for that assertion; and it probably owed its origin to nothing more than the vague association of ideas which for centuries past had connected colonising enterprises with mining experiments. The existence of metals and minerals in New South Wales was assumed simply because the territory was known to be extensive and fertile; but no indications of any such deposits had ever been found on its coasts. "The great probability of finding, in such an immense country, metals of every kind," was urged by Sir George Young as a reason for its colonisation. But as neither a geologist nor a mineralogist was appointed when the Expedition was organised, it may be inferred that Lord Sydney did not attach any value to the probability of such discoveries being made. That the idea of finding valuable ores of some kind was prevalent in the settlement may be seen in Phillip's reference to the subject. Rumors were circulated from time to time about mysterious mines which were said to exist in its neighborhood; but he wisely set his face against any attempt to divert the people from their proper

* In the Philosophical Transactions of the Royal Society for 1790, vol. xvi, p. 667, there is a learned dissertation by Josiah Wedgwood—"on the analysis of a mineral substance from New South Wales;" and in a footnote it is mentioned that "along with the mineral here analysed, Mr. Wedgwood was presented by Sir Joseph Banks with some clay, which Mr. Wedgwood found to be an excellent material for pottery, adding that it might certainly become the basis of a valuable manufacture for our infant colony there." Mr. Wedgwood's analysis of the mineral substance referred to in Phillip's despatch of 6 November, post, p. 356, showed that it was "a mixture of fine white sand, a soft white earth, some colourless micaceous particles, and a few black ones, resembling black mica or blacklead;" and the result of his experiments was that, in his opinion, "this substance is a pure species of plumbago or blacklead, not taken notice of by any writer." The clay analysed by Mr. Wedgwood was made into a medallion; ante, p. 244.

† Narrative, p. 121.

occupations—public works and the cultivation of the soil. 1788
 At the same time he did not neglect any opportunity for 28 Sept.
 ascertaining the riches of the earth. The attention paid
 to the subject is shown in Tench's statement with refer-
 ence to the exploring expeditions to Broken Bay and else-
 where. "On all these excursions we brought away, in Agricultural
chemistry.
 small bags, as many specimens of the soil of the country
 we had passed through as could be conveniently carried; in
 order that, by analysis, its qualities might be ascertained."*
 No signs of gold were found on those occasions.

Your lordship will, I hope, judge it expedient to send out Settlers and
mechanics.
 settlers to whom a certain number of convicts may be given. They,
 my lord, will be interested in cultivating the lands, and when a
 few carpenters and bricklayers are sent out who will act as over-
 seers, and have some little interest in the labour of the convicts
 who are under their care, a great deal of labour will be done by
 those who are employed in the public works.

I have in a former letter mentioned that a couple of decked Decked
vessels.
 vessels of thirty or forty tons burthen, if sent out in frames, and
 two or three good shipwrights, would be of great service.†

The natives, though very friendly whenever they are met by
 two or three people who are armed, still continue to attack any of Spearing
convicts.
 the convicts when they meet them in the woods, and two or three
 have been lately wounded by them. I have been with a small
 party to examine the land between the harbour and Broken Bay.
 We went as far as Pittwater, and saw several of the natives, but
 none came near us. There are several hundred acres of land free Good land at
Pittwater.
 from timber, and very proper for cultivation when a small settle-
 ment can be made on the coast. On our return to the boats, near
 the mouth of the harbour, we found about sixty of the natives,
 men, women, and children, with whom we stayed some hours.
 They were friendly, but, as I have ever found them, since they

* Complete Account, p. 53.

† One of Phillip's first requests after his appointment was for a "large cutter built boat," to be framed in England and put together on his arrival in New South Wales. In a letter to the Admiralty, dated 27th October, 1786, he specified the dimensions of the boat he wanted as follows:—"Thirty-two feet keel, breadth in proportion, about eight feet ten inches, to row sixteen oars, double bank'd sliding Gunter masts of a good depth, and with high wash-boards." Such a boat would have proved useful, but it was not provided.

1788 find we intend to remain, they appeared best pleased when we were
 28 Sept. leaving them, though I gave them many useful articles ; and it is not possible to say whether it was from fear or contempt that they do not come amongst us. I have already had the honor of informing your lordship of the little we know of these people. Most of the women and all the females I saw had lost two joints from the little finger of the left hand, and two women were scarred on the shoulders like the men—the first I had seen. The women, when we first came on the beach, were in their canoes fishing, which is their constant employment, the men chiefly employing themselves in making canoes, spears, fizgigs, &c.

Natives best pleased when left alone.

Women fishing.

The day before we returned, the boat that was waiting for us near the harbour's mouth saw about two hundred men, who were assembled in two parties, and who after some time drew up opposite to each other, and from each party men advanced singly and threw their spears, guarding themselves at the same time with their shields. I suppose this to have been no more than an exercise, for the women belonging to both parties remained together on the beach, though towards the end of the combat they are said to have run up and down, uttering violent shrieks.

Sham fight.

As it had been supposed that many of the natives had left this part of the coast on account of the great scarcity of fish, the different parts of the harbour were examined in one day, and the canoes counted ; not more than sixty-seven canoes and one hundred and thirty-three people were seen, but it was the season in which they make their new canoes, and large parties were known to be in the woods for that purpose.* I went a few days after to examine the coast between this harbour and Botany Bay, in which journey few of the natives were seen ; but a young whale being driven on the coast, all we met had large pieces, which appeared to have been lain on the fire until the outside was scorched, in which state they eat it. These people last summer would neither eat shark nor stingaray ; but the scarcity of fish in the winter, I believe, obliges them to eat anything that affords the smallest nourishment. They have two kinds of root which they chew after roasting ; one is the fern root. They eat together, that is, in families, and seldom broil their fish (the only way they ever dress it) for more than a few minutes.

Natives of Port Jackson counted.

A whale feast.

* Hunter gives an account of this census at p. 82 of his Journal.

I am sorry to have been so long without knowing more of these people, but I am unwilling to use any force, and hope this summer to persuade a family to live with us, unless they attempt to burn our crops, of which I am apprehensive, for they certainly are not pleased with our remaining amongst them, as they see we deprive them of fish, which is almost their only support; but if they set fire to the corn, necessity will oblige me to drive them to greater distance, though I can assure your lordship that I shall never do it but with the greatest reluctance and from absolute necessity.

1788

28 Sept.

Domestic relations with natives.

As there are paths which are much frequented between this harbour and Broken Bay, I apprehend they frequently change their situation, but have no reason to suppose they go to the northward in the winter and return in the summer.

Native paths.

The kangaroo is the only animal of any size that we have yet seen, and they are frequently killed. They are of two sorts, one seldom weighing more than sixty pounds; these live chiefly on the high grounds. The hair is of a reddish cast, and the head shorter than the large sort, some of which have been killed that weighed one hundred and fifty pounds. Both are of the opossum kind, and the young ones, several of which have been taken, grow very tame in a few days, but none have ever lived more than two or three weeks.

Kangaroos.

I have now given up all hopes of recovering the two bulls and four cows that were lost; and one sheep only remains of upwards of seventy which I had purchased at the Cape on my own account and on Government's account. It is the rank grass under the trees which has destroyed them, for those who have only had one or two sheep, which have fed about their tents, have preserved them.

Cattle lost, and sheep poisoned by grass.

Hogs and poultry thrive and increase fast. Black cattle will thrive full as well: and as we shall be able in future to guard against their straying, your lordship will please to determine whether it would not be necessary to order any ship that was coming to the settlement with provisions, to purchase at the Cape as many cows as could be conveniently received on board, with a couple of young bulls. But the ship for that purpose should be able to stow them between decks: and I beg leave to observe that a forty or fifty gun ship that brought out provisions and stores, leaving her guns out, would answer the purpose better than any

Fresh stock

1788 transport, and at once stock this settlement. Savu is at too great
28 Sept. a distance for the Sirius to be employed on that service to any
 extent.*

Your lordship will, I hope, excuse so long a detail of matters trifling in themselves, and which I should not have dwelt on but that I wished the situation of the colony to be known as fully as possible.

People in
rags.

The
Governor
and the
children.

Salt fare.

A letter to Nepean, of the same date, was written to accompany this despatch, for the purpose of reminding him of the pressing wants of the settlement. The people at this time had neither needles nor thread, and consequently could not mend their clothes; no leather, nails, or cobblers'-wax to keep their shoes together; no bedding to lie upon, for sheets and blankets had not been thought of. Phillip ventured to suggest, probably because they were still suffering from scurvy and other kinds of sickness, that "some kind of bedding" was necessary for them, as well as "some kind of covering" for the children. They, it seems, had been kept on very short commons from the first, since the good-hearted Governor had been obliged, "in several instances," to order them half the man's allowance, or even two-thirds—that being the woman's share. The ordinary ration for a child was one-third of a man's; and as at this time they were all fed on salt provisions—there being no such luxuries as barley, sago, oatmeal, or any other children's food in the stores, except rice—the little folks had uncommonly hard times of it. The stock of cows having been lost early in June, there was no milk and no fresh butter in the settlement; the salt butter had disappeared, and was replaced by "the like quantity of sugar," as Collins says (p. 81)—that is, six ounces per week. Although the people were on full rations at this time, there was nothing to eat but salt beef, salt pork, flour, rice, and pease—with such vegetables as could be grown about the

* Savu is a small island lying to the south-west of Timor. It was visited by Captain Cook in September, 1770, and is described in the account of his voyage.—Hawkesworth, vol. iii, p. 681.

huts, or gathered wild in the bush. Fish was occasionally procured in the summer, and sometimes a bird or even a kangaroo might be shot by those who had guns. For bread, there was flour made into cakes, without milk or eggs. At a later period, when vegetables were easily got, it was usual to boil the flour with greens, instead of baking it into cakes.* The daily meals did not include tea; there was nothing to drink but water and the bad Portuguese rum taken on board at Rio for the soldiers and their wives. How niggardly the allowance was may be seen by comparing it with the scale on which convict servants were fed in later years, when they had bread, tea, sugar, and tobacco,† in addition to their meat.

1788

23 Sept.

Flour and greens.

I have ordered the *Sirius* to the Cape for the reasons assigned in my letter to Lord Sydney; all the seed wheat and most of the other seeds brought from England having been spoiled, as well as what wheat was put on board the *Supply* at the Cape. Several acres sown with this wheat have been sown a second time with the seed I procured for next year, in case of any accident happening to what we have in the ground, and which has left us without a bushel of seed in the settlement. Having only a year's flour in store, Captain Hunter has orders to purchase as much as the ship can stow, and I apprehend he will be able to bring six months' supply for the settlement, as likewise what seed wheat, &c., we may want. The *Sirius* and *Supply* being victualled from the stores lessens our provisions; and you will, I believe, see the necessity of having always two years' provisions beforehand; a store-ship may be lost a long time before it is known here or in England.

Sirius sent to the Cape.

King's ships victualled from stores.

No kind of necessaries for the sick after landing was sent out. I enclose the surgeon's letter, and what he has demanded for six months I have ordered to be purchased, and apprehend necessaries

Hospital necessaries.

* Tench, Complete Account, p. 41. Among the wild vegetable plants used for food, "Botany Bay greens" were in great favour for some years after the foundation of the colony. In describing its natural products in his *Present Picture of New South Wales*, published in 1811, Mann says (p. 51):—"Botany Bay greens are procured in abundance; they much resemble sage in appearance, and are esteemed a very good dish by the Europeans, but despised by the natives." He also states that "native green currants grow wildly, and make an uncommonly fine jelly"; but the wild cherry and the wild fig are described as "equally nauseous."

† Cunningham, *Two Years in New South Wales*, 1828, 3rd ed., p. 9.

1799 for the hospital will be sent out by the first ships. The cloathes
 28 Sept. for the convicts are in general bad, and there is no possibility of
 mending them for want of thread ; it is the same with the shoes,
 No thread. which do not last a month ; these necessary articles, to the amount
 of a few pounds, I have likewise ordered to be purchased.

Boat for A strong launch to remove provisions will soon be necessary, as
 Rose Hill. some convicts are going to cultivate land near the head of the har-
 bour, and to bring timber, for what we now use is brought already
 from a considerable distance, and our roads after heavy rains are
 bad.

Bad tools. The tools and articles in the enclosed list will be much wanted
 by the time they can be sent out, and I cannot help repeating that
 most of the tools were as bad as ever were sent out for barter on the
 coast of Guinea.

Children's The women have two-thirds of what is allowed the men, and
 allowance. the children one-third. The children's allowance is, I think,
 too little, and I have been obliged in several instances to order
 children half the man's allowance, or two-thirds, as the women are
 allowed.

Bowls and The woodenware sent out were too small ; they are called bowls
 platters. and platters, but are not larger than pint basins ; there was not
 one that would hold a quart.

Candles. As the candles sent out will not last more than two years, I wish
 to know if it is the intention of Government to furnish the settle-
 ment with that article for any longer term.

Children The requisites for mending the men and women's cloathes and
 want shoes, as well as some kind of bedding for them, are very neces-
 clothes. sary ; and some kind of covering will be wanted for the children.
 This is not an expense that will be necessary to continue after a
 number of settlers are in the colony, for then the convicts will
 have some resources ; at present they have none.

Educated Amongst our many wants a few proper people to superintend
 villains. the convicts has been mentioned, and we are at present at a great
 loss for the necessary people to attend the stores and see the pro-
 visions issued. The convicts who are proper for this are those who
 have had some little education, and they are the greatest villains
 we have. In fact, here is no choice of persons of any class, and I
 am obliged to continue such as we have in places for which they
 prove themselves very unfit subjects.

The knowing when the time expires for which the convicts have been transported is very necessary, many of whom will desire to return ; and there are many that will be a burthen to Government, and who I should be glad to send away. This I mentioned more particularly in a former letter.

1788

28 Sept.

Expires.

The good behaviour and industry of two convicts have induced me to request that their families be sent to them. The men are at Norfolk Island, and which they do not wish to leave after the time for which they have been transported expires. The names and places of abode of these two families are enclosed.

Good
conduct
rewarded.

The Golden Grove is now ready to sail, with one midshipman, one sergeant, one corporal, and five privates, twenty men and ten women convicts ; these will make the number on Norfolk Island sixty, and I send eighteen months' provisions. The Fishburn will be ready to sail by the time the Golden Grove returns, and both ships shall sail immediately for England.

Norfolk
Island.

Major Ross and his officers do not appear to have formed a happy family by any means. He had placed five of them under arrest in March, and in October he applied for a General Court-martial to try another. On the first occasion it was found that there was not a sufficient number of officers to form a Court ; and on the second a still more unexpected difficulty presented itself. The Judge-Advocate raised an objection that officers of marines, while on shore, could not form a Court-martial under a warrant issued by the Governor, the force being then subject to the provisions of an Act of Parliament passed expressly for their regulation ; and that they could only sit under a warrant from the Lords of the Admiralty. As this amounted to saying that no Court for the trial of commissioned officers could be held in the colony, the matter was serious. Phillip directed a Court of Enquiry to take evidence, but its members held that they were precluded from doing so by the issue of his warrant. The only expedient left was to direct the Judge-Advocate to take evidence, and to send the depositions, with the officer, to England ; but at the last moment the knot was cut by a letter from Major Ross,

Major Ross
and his
officers.The
Governor's
warrant
pronounced
invalid.Court of
Enquiry
declines to
act.

1788 stating that the officer in question had "fully satisfied"
 27 October. him, and therefore he did not desire to press his applica-
 tion for a Court-martial. This matter formed the subject
 of a despatch in which the position of affairs was described
 with great moderation.

Major Ross
and his
officers.

I am very sorry to be under the very disagreeable necessity
 of troubling your lordship with the following particulars, but the
 very unpleasant situation of the detachment doing duty in this
 country, from the discontents between the Commandant and the
 officers, will, I presume, satisfy your lordship of that necessity,
 as I am sorry to say it is not in my power to restore that harmony
 which is so very requisite in our situation.

Marines
decline to
recognise
Phillip's
warrant.

Having received a letter from Major Ross requesting a General
 Court-martial on an officer for neglect of duty, contempt and
 disrespect to him, I issued a warrant for assembling a General
 Court-martial, but the thirteen senior officers when assembled
 declared that they could not sit as members of a General Court-
 martial under that warrant, being, as part of his Majesty's forces,
 amenable only to the authority of the Commissioners for executing
 the office of Lord High Admiral of Great Britain. The warrant
 was issued under the authority of his Majesty's Commission for
 assembling General Courts-martial, but they declined sitting under
 the Act of Parliament made for the army.

Court of
Inquiry
ordered.

Having assigned their reasons in writing to Major Ross (to
 whom the warrant was directed), I have the honor to enclose your
 lordship a copy. Though the letter from the Commanding Officer
 of the detachment was very sufficient ground for ordering the
 Court-martial if the officer could have been tried on the spot, as it
 was now determined that there was no legal authority in this
 country for ordering a General Court-martial on any part of the
 Marine Corps, and the officer accused declared himself innocent of
 every part of the charge, I ordered a Court of Enquiry to be
 assembled to enquire into the particulars of the charge, and to
 report whether there was or was not sufficient ground for a
 General Court-martial, intending, if the Court of Enquiry reported
 that they found sufficient ground, to order a Court of Enquiry
 to examine fully into the charge and to report their opinion, which
 was the only means I had left of doing justice to both parties, as
 no Court-martial could be held; for though I knew that Courts

of Enquiry always preceded Courts-martial, yet in the present instance I was fully satisfied that the warrant I had issued for holding the Court-martial was totally done away by the officers having denied the legality of it as far as it respected themselves, and consequently a Court of Enquiry perfectly regular; and I had reason to suppose that both parties would have consented to such a determination, no other being possible under our present circumstances. 1788
27 October.

The Court of Enquiry met, and I received the following answer, signed by the President:—That had the business been referred to them before the application for a Court-martial they might then have proceeded with the consent of both parties, but that at present they thought themselves precluded from making any enquiry, and only reported that an application from a commanding officer was always deemed a sufficient ground for a General Court-martial, not deeming the warrant legal with respect to themselves as being marine officers, and they now refused to make any enquiry because that warrant had been issued. Court declined to make any inquiry.

To order an officer to return to his duty under the same commanding officer whom he was accused of treating with contempt or disrespect, or to let him remain under arrest until he could be tried in this country, might be attended with very disagreeable circumstances; for of seventeen officers comprising the detachment five have been put under arrest by their commandant, and are only returned to duty by my order until a sufficient number of officers to form a General Court-martial can be assembled, as I have in a former letter had the honor of informing your lordship. Five officers put under arrest by the Major.

I therefore ordered the evidence on both sides to be taken by the Judge-Advocate, and intended to send them home with the officer, but before that could be done I received a letter from Major Ross informing me that the officer had fully satisfied him respecting the charge, and desiring that he might be permitted to withdraw his request for a Court-martial. I therefore ordered the officer to return to his duty.* Matter compromised.

When the warrant was granted for assembling a General Court-martial, I did not know that an Act of Parliament had been passed for a limited time by which the marines serving in America had been tried; nor did any officer in the detachment entertain a doubt Marine Mutiny Act.

* Ante, pp. 116-7.

1788 of the propriety of sitting under a warrant issued by the authority
 27 October. of his Majesty's Commission until the evening before the Court
 was to assemble, when the doubt arose on the Judge-Advocate's
 reading over the oath.

The present situation of the detachment will be obvious to
 your lordship.

Anticipating
 objections.

Question of
 jurisdiction.

The Major's
 hands tied.

The Judge-Advocate seems to have gone a little out of
 his way on this occasion, in anticipating a technical objec-
 tion which might have been left to the parties concerned
 — especially as the point was doubtful, to say the least,
 and the result threatened to be serious. If no General
 Court-martial could be held under the Governor's warrant,
 then there was no power to deal with serious offences against
 military discipline ; officers and men might have run riot as
 much as they pleased, and the Governor would have found
 himself powerless to deal with the situation. It was the
 Judge-Advocate's duty, no doubt, to advise the Court on
 all matters of law arising before it ; but a question of juris-
 diction, such as was raised by him in this instance, does
 not appear to have been properly within his province, or
 that of the Court itself, to determine. The simplest course
 to have pursued would have been to proceed with the trial,
 and then refer the question to the proper authorities in
 England. By that means military discipline would have
 been saved, without any sacrifice of the rights of parties.
 But the subalterns who mainly composed the Court may
 possibly have rejoiced in the opportunity of extinguishing,
 by a summary decision, the only tribunal in the colony to
 which they were amenable ; as by that means they effec-
 tually put it out of the Major's power to put them under
 arrest, or even to hold a Court-martial *in terrorem* over
 them.*

* Commissioned officers are not amenable to the judgment of a regimental
 or garrison Court-martial, which is usually composed of a captain and four
 subalterns (or two, if more cannot be conveniently assembled). The juris-
 diction of the Court is confined to small offences ; serious violations of
 military law are dealt with by the General Court-martial, assembled under
 the authority of the King's commission. — Tytler, *Military Law*, pp.
 176-183—The opinion given by Collins will be found post, p. 555.

Another despatch to Sydney, written on the 30th October, 1788 was occupied principally with a recapitulation of matters ^{30 October.} dealt with on former occasions. The only event of any importance which he had to communicate was the departure of the Sirius on her voyage to the Cape.

By his Majesty's ship Sirius I had the honor of informing your lordship of my reasons for sending that ship to the Cape of Good Hope: The loss of all the seed-wheat and the greatest part of the other grains and seeds brought from England, which had ^{Loss of seed.} been heated in the long passage, and very little of which, when sown, ever vegetated. All the seed-wheat put on board the Supply at the Cape of Good Hope had likewise been destroyed by the weevil; and after sowing the ground a second time with what seed had been brought from Rio de Janeiro and the Cape of Good Hope, there did not remain sufficient to sow a single acre; and the crops in the ground are exposed to various accidents in our present situation.

The Sirius sailed the 2nd instant to go round the South Cape, ^{Sirius sent to the Cape.} and Captain Hunter has directions to purchase for the use of the garrison what flour the ship can receive, after having compleated his own provisions. The quantity will not be very considerable—at present we have eighteen months' bread in store. Necessaries for the hospital were likewise ordered to be purchased, none of any kind being sent out either for the detachment or convicts.

Your lordship will see by my former letters the little progress we have been able to make in cultivating the lands, and, I presume, the necessity of a few proper persons being sent out to superintend the convicts, as well as settlers who have been used to cultivation, for at present this settlement only affords one person* that I can employ in cultivating the lands on the public account. ^{Only one farmer.} Most of the officers have cultivated a little ground, but it is merely for their own conveniency, and none more than a single acre except the Lieutenant-Governor, who has about three acres. I have sixteen, at a small farm on the public account.

It must, my lord, be settlers, with the assistance of the convicts, ^{Settlers wanted.} that will put this country in a situation for supporting its inhabi-

* The person referred to was brought out by Phillip as a servant, and had been employed in superintending the cultivation at Farm Cove, from which he was transferred to Rose Hill; ante, p. 142. There was only one man among the convicts who understood farming; Collins, pp. 93, 158.

1798
30 October. tants. Nothing but the uncertainty of the time in which my letters may reach England, and the possibility of those last written being the first received, would make me trouble your lordship in this letter with a repetition of what I have fully explained in my former letters: That people who are not convicts are necessary for the stores, from which provisions or stores are delivering almost hourly; and that we want for superintending the convicts such as have been brought up in the line in which they are to be employed.

Store-keepers and superintendents.

If the ships that bring out provisions were such as could receive on board black cattle at the Cape of Good Hope, I think we shall in future be able to preserve them; and a ship to remain here as a store-ship would be attended with many advantages. It is still a doubt whether the cattle we lost have been killed by the natives, or if they have strayed into the country; I fear the former, and am sorry to say that the natives now attack any straggler they meet unarmed; and though the strictest orders have been given to keep the convicts within bounds, neither the fear of death or punishment prevents their going out in the night, and one has been killed since the *Sirius* sailed. The natives, who appear strictly honest amongst themselves, leave their figs, spears, &c., on the beach or in their huts when they go a-fishing. These articles have been taken from them by the convicts, and the people belonging to the transports buy them at the risk of being prosecuted as receivers of stolen goods, if discovered. The natives, as I have observed, revenge themselves on any they meet unarmed. It is not possible to punish them without punishing the innocent with the guilty, and our own people have been the aggressors.

Natives attack stragglers.

Reason why.

Natives refuse to come in.

Reason why.

The officers and the convicts.

The natives still refuse to come amongst us, and those who are supposed to have murdered several of the convicts have removed from Botany Bay, where they have always been more troublesome than in any other part. I now doubt whether it will be possible to get any of these people to remain with us, in order to get their language, without using force. They see no advantage that can arise from us that may make amends for the loss of that part of the harbour in which we occasionally employ the boats in fishing.

If my former letters have reached your lordship the situation of this settlement is known; and as most of the officers have declined any kind of interference with the convicts, except when

immediately employed by themselves, the little progress made in clearing land that requires so much labour will be accounted for. 1788
30 October.

A letter sent from the Admiralty to the Commanding Officers of Marines at Portsmouth and Plymouth is what the officers say they govern themselves by, and in which they say no extra duty is pointed out. What I asked of officers were so very little, and so far from being what would degrade either the officer or the gentleman in our situation, that I beg leave to repeat once more to your lordship the request I made soon after we landed, and which was made in the following words:—"That officers would, when they saw the convicts diligent, say a few words of encouragement to them; and that when they saw them idle, or met them straggling in the woods, they would threaten them with punishment." This I only desired when officers could do it without going out of their way; it was all I asked, and was pointedly refused. They declared against what they called an interference with convicts, and I found myself obliged to give up the little plan I had formed in the passage for the government of these people, and which, had even that been proposed to the officers, required no more from them than the hearing any appeal the overseer might find it necessary to make, and a report from the officer to me, or to the Judge-Advocate, if he thought it necessary, but which never has been asked of the officers, as they declined any kind of interference.

Phillip's
request.

"The little
plan" given
up.

The Golden Grove store-ship sailed for Norfolk Island the 2nd of October with provisions and some stores, and carried a midshipman, two seamen, a sergeant, corporal, and five privates, with twenty-one men and eleven women convicts. Their numbers will be increased in the course of the summer. The Fishburn is now fitting for sea, that she may sail with the Golden Grove, as soon as that ship returns from Norfolk Island.

Population
for Norfolk
Island.

The same reason which makes me trouble your lordship with tedious extracts from my former letters makes it necessary to point out in this letter that we at present depend entirely for provisions being sent from England; and I beg leave to observe that if a ship should be lost in the passage it might be a very considerable time before it could be known in England. The Sirius, from the length of the voyage, would not be able to supply this settlement from the Cape; and though the islands may furnish refreshments in great abundance to one or two ships, if the

Depend
entirely on
England.

1788 Sirius was employed between the islands and this settlement the
 30 October. quantity procured would be but small for so great a number of people. But, my lord, I hope a very few years will put this country in a situation to support itself, for I have the pleasure of seeing what land has been cleared in a very flourishing state.

Rose Hill. I am now preparing to go up the harbour with a small detachment of one captain, four lieutenants, and twenty privates, who are to protect some convicts intended to clear land near the head of the harbour, where it is a fine open country, having very little timber, and being perfectly free from underwood.

The Governor's country seat.

It was on the 2nd of November that Phillip went up the Parramatta River—"the head of the harbour," as he called it—for the purpose of forming an agricultural settlement on its banks. He selected a piece of rising ground, which, from its shape, suggested the idea of a Crescent, and was so named by him, as a site for his residence; and there he built a cottage which, in after years, gave way to a substantial country house, intended as a residence for the Governor.* The settlement was named Rose Hill, and soon began to realise the expectations which its founder had formed of it; so much so indeed that it gradually came to be regarded as the most important place in the colony. Three years after its formation, it had reduced Sydney to the position of a mere official centre. Writing in December, 1791, Tench said that Sydney "had long been considered as only a depôt for stores; it exhibited nothing but a few old scattered huts and some sterile gardens; cultivation of the ground was abandoned, and all our strength transferred to Rose Hill."†

Eclipse of the sun.

The Fishburn and the Golden Grove—the last remaining vessels of the Fleet—were now ready for sea; and as they furnished the only opportunity for sending letters to England which would be available for many months, Phillip gathered together the few remaining items of intelligence which he had to communicate to Sydney. The only news

* Ante, pp. 142, 199.

† Complete Account, p. 159.

he had to send related to the return of the Golden Grove 1788
from Norfolk Island with letters from the Commandant, 6 November.
and the formation of the settlement at Rose Hill.

Since I closed my letter of the 30th of October to your lordship the Golden Grove has arrived from Norfolk Island, where the people and provisions were landed, and from whence I have received the most favourable accounts. They have vegetables in great abundance, as well as fish. The grain that had been sowed after the first had failed (from having been heated in the passage or injured by the weevil) promises a great increase. The soil is extremely rich, and to the depth of many feet wherever they have dug; the people very healthy and perfectly satisfied under an officer who will in less than two years render that island independent of this colony for the necessaries of life, if we can procure black cattle to send him. He will have an additional number of people in the course of the summer. A few honest industrious families would there find themselves happy, in a good climate as healthy as this settlement (and no place can be healthier), with a rich land easy of cultivation, and where the storms of thunder and heavy rains have not been felt. The flax plant will supply the settlers on that island with rope and canvas, as well as a considerable part of their cloathing, when they can dress it properly; but a person experienced in dressing flax is much wanted, as well as a few good husbandmen, for those we have been able to send there are not only in general idle and abandoned, but ignorant.

Good
accounts
from
Norfolk
Island.

Independent
in two years.

Flax.

A cocoanut that was as good as if just taken from the tree, and a small piece of wood, said to resemble the handle of a fly-flap as made in the Friendly Islands, and which did not appear to have been long in the water, have suggested an idea that some island which is inhabited lays at no great distance, but which my present situation does not permit me to determine. The remains of two or three canoes have been found on the rocks.

Waifs and
strays.

The Golden Grove in her passage from Norfolk Island saw a very dangerous reef, the south end of which lay in the latitude of 29° 25' south, longitude 159° 59' east. It appeared from the N.E. by N. to N. when they were four leagues from it, but no judgment can be formed how far it extends to the northward.*

A dangerous
reef.

* This reef was discovered by Lient. Shortland on his voyage to England in the transport Alexander, in July, 1788, and was named by him Middleton Shoals.—Phillip's Voyage, p. 189.

1788

6 November. I had the honor of informing your lordship of my intentions of fixing a settlement near the head of the harbour; and I have lately passed several days in examining the country. The land is good, though there is none we can take possession of at present which can be cultivated without clearing the ground of the timber, for if the trees are at the distance of thirty or even fifty feet the roots spread; the labour there, nevertheless, will not exceed the fourth part of what is required in our present situation. The land appears to be the best I have seen in this country, and as far as I could examine, which was for a couple of miles round the spot on which I have fixed, I think the country as fine as any I have seen in England. I had an officer and ten men with me, which I left to finish a small redoubt; and in a few days the remainder of the detachment will be sent up with some convicts.

Rose Hill.

Fine country.

Lost in the bush.

A soldier has been lately missing, who I suppose lost his way in the woods, and has either been killed by the natives or died by a fit, to which he was subject.

All well.

Except the old and those who brought incurable complaints with them, the people are very healthy; the weather is now settled, and the two store-ships are ready to sail, and intend going round the South Cape.

Flax and pepper.

A small quantity of flax, as I received it from Norfolk Island, is enclosed with the despatches. A plant that produces pepper (supposed to be the same as the East India pepper) is found in great plenty in Norfolk Island. Several roots of this plant and some of the pepper are sent to Sir Joseph Banks, who I have requested to inform your lordship or Mr. Nepean if it proves to be, as supposed, the black pepper used in England.

Black lead.

In sinking a well the sand was supposed to contain a very large proportion of metal, a small quantity of which is sent by the two ships. It has been twenty-four hours in a strong fire, but we could not get it to melt. I suppose it to be blacklead.*

Last letter for the year.

This letter closed Phillip's official correspondence for the year. When the ships that carried his despatches had cleared the Heads, there was nothing left in the harbour to remind him of the Fleet he had brought out, except the little brig Supply; nor did any ship from the old country enter the port until the Lady Juliana arrived in June, 1790.

* Ante, p. 340.

The interval was a weary one for men whose associations were wholly with the country they had left behind them, and who had not yet learned to look upon a home in the new world as a compensation for their loss. But, nevertheless, as the year drew to its close, there was more than one event on which Phillip could look back with satisfaction. He had brought out the Fleet in safety and with more success than could have been expected; he had founded his colony on the shores of the finest harbour in the world; he had established peaceful relations with the native inhabitants of the country, even if he had not reconciled them to the prospect of being dispossessed of their hunting-grounds. The most serious difficulty he had to contend with was the want of good land for farming purposes; but that difficulty had at last been disposed of by the settlements at Rose Hill and Norfolk Island.

1788

Home-sick.

Reasons for congratulation.

The great difficulty.

The scarcity of such land in the immediate neighbourhood of the Camp seemed at first a heavy drawback, if not a great calamity; but probably time and experience led him to see the great moral advantages which indirectly resulted from it. When the settlements at those places had been formed, they enabled him to draft off large numbers of the people who otherwise would have been massed together at head-quarters; by that means preventing the evils which would inevitably have resulted from an overcrowded Camp, in which sickness was always prevalent so long as the population was fed almost exclusively on salt provisions. The establishment at Norfolk Island was doubly useful; for not only did the land yield a rich return for the labour bestowed upon it, and thus support a comparatively large number of people, but it afforded Phillip a means of carrying out his favorite theory of punishment in serious cases—exile from the colony.

Compensation.

Distribution of the people.

A place for exile.

Looking at the rich and beautiful country on the western shores of Botany Bay, as it appears in the present day, it is not easy at first sight to understand the difficulty experienced

1788 by Phillip in finding a sufficient area of land, fit for cultivation, in the neighbourhood of the settlement. The country round about it had been carefully explored in all directions for that purpose, but it was condemned as useless, except in small patches here and there; the soil being everywhere described as either covered with rocks and trees, or else as a poor sandy heath, full of swamps. Until the land at the head of the Parramatta River was discovered, the prospect of obtaining any substantial assistance from the soil appeared to be uncertain in the extreme. The opinion thus formed with respect to the country can only be understood when we recollect the difficulty experienced in penetrating it where it happened to be covered with timber. The land at Rose Hill was discovered easily because there happened to be a ready means of communication by water, and the country in that direction was tolerably open. But there was even better land to be found at a much shorter distance from Sydney Cove, which, could it have been turned to account, would have removed all difficulty on the subject at once. Between Cook's River and the Cove—a distance of less than five miles in a straight line—there was land enough to supply the settlement with vegetables and fruit, if not grain, in abundance; while beyond the river, in the midst of a charming landscape, lay a fine agricultural district, in which many hundreds of settlers might have made their homes.

The land question.

Difficulty of penetrating the country.

Water communication.

Cook's River.

The river banks,

as they were,

How then was it that, while so many efforts were made for the purpose of finding such land, the natural wealth of the soil in the immediate neighbourhood of the Cove remained unknown? Phillip went up Cook's River in December, and he could not but have noticed the level country on its banks, covered as it was with very different timber from the gum-trees at the Cove, and richly suggestive, even then, of the meadows he had read of in Cook's Voyage. The scene which presented itself to him as he followed the windings of the stream, might be compared with that which met the eyes of the Saxons when they first

rowed their galleys up the Thames. The traveller who now-a-days crosses the river in a railway train looks out upon a country to which he might be excused for applying Darwin's lines— 1788
and as they
are.

Embellish'd villas crown the landscape scene,
Farms wave with gold and orchards blush between.

If the poet's description is not literally true in the present day, it is at least sufficiently so to justify the glowing language in which he sought to represent the future of Sydney Cove. When he wrote, the land lay there in its native state, waiting only to be cleared, drained, and cultivated in order to realise the golden farms and blushing orchards of his imagination. But there lay the difficulty. The labour of clearing the ground round the Camp had formed the subject of constant complaint during the first year of Phillip's administration; and while it formed so serious a stumbling block in his path, it is not surprising that no attempt was made to penetrate further inland for the purpose of clearing and cultivating the backwoods. The natural difficulties surrounding the cultivation of the soil in a new country were never, perhaps, encountered in such force as they were in his time, peculiarly aggravated as they were by the fact that his farm labourers were men who had never handled a spade or followed a plough's tail.* Clearing and
draining.

* The description of the country on the western shore of Botany Bay, given by Péron, who visited it in 1802, will give some idea of its appearance in Phillip's time :—A mesure qu'on se rapproche de Botany Bay, le terrain s'abaisse de plus en plus, et bientôt on arrive à des marécages dangereux, formés et entretenus par les eaux saumâtres de la rivière de Cook vers le Nord, et de la rivière George vers le Sud. Ces marais sont tellement étendus et quelquefois si profonds, qu'il est impossible, en différens endroits, de les franchir pour arriver jusqu'à la mer. Sur leurs bords, et tout le long des deux rivières dont je viens de parler, la végétation est très-active; mille espèces d'arbres et d'arbustes, pressées à la surface du sol, donnent à cette partie de la contrée qui nous occupe un aspect enchanteur, et lui prêtent une apparence de fécondité si grande, que le capitaine Cook et ses illustres compagnons y furent trompés eux-mêmes. Il s'en faut pourtant beaucoup que cette baie tant célébrée par ces navigateurs, ait justifié les espérances que leur brillante description en avoit fait concevoir. Obstruée par de grands bancs de vase, ouverte aux vents de l'Est par le Sud, elle ne présente pas à la navigation toute la sûreté dont celle-ci peut avoir besoin dans certains cas, et la nature marécageuse du sol des environs le rend à la fois très insalubre et peu propre aux cultures ordinaires. Aussi le commo-

1788 To realise his position in this matter, it is only necessary to look for a moment at the people placed under his charge. If an expedition were fitted out in the present day for the occupation of unknown country, no man would be permitted to join it who was not in some way fitted for the work to be done. The men sent out in the First Fleet could hardly have been less adapted for the purpose than they were. Many were old and suffering from disease; and even among the able-bodied, there were none who had ever seen a pick-axe or a shovel, except in a shop window. They had been hurried out of their gaols without any other object in view than that of getting rid of the most useless occupants of the cells. Had Phillip taken the precaution to inquire into their capabilities for work before he sailed, he would at least have been prepared for the painful experience that awaited him when his struggle began. But it never occurred to him to make any inquiry on that point. He relied on the Government to provide him with the proper men for the service; and he remained in happy ignorance of the facts until they slowly made themselves known to him. It would not be easy to find a parallel in the history of colonisation for such a scene as that which presented itself when the marines and convicts were drawn up on their first parade. Not a man among them was in the least degree qualified to act the part of a colonist. The soldiers would do nothing but their military duty; the convicts would do nothing that they were not compelled to do. By what miracle, one is inclined to ask, did they escape starvation?

Colonists of
the present
time.

An over-
sight.

Sydney's
colonists.

dore Phillip, après avoir fait reconnoître le Port Jackson, s'empres-
sa-t-il d'abandonner Botany Bay; et depuis cette époque on n'y a fait aucune
autre espèce d'établissement que celui d'un four pour la préparation de la
chaux qu'on retire des coquillages, qui sont très-abondans sur ce point de
la côte.—Voyage, vol. i, pp. 379-80.

FIRST NEWS FROM BOTANY BAY.

THE despatches written by Phillip in May did not reach England until the month of March following; the exact date being the 25th of that month, according to a memo. in the handwriting of Sir Joseph Banks preserved among his papers—"First News from Botany Bay, March 25, 1789." The fact that he recorded the date is suggestive of the keen interest he felt in the progress of the colony; and it is no great stretch of imagination to suppose that when he read the pressing appeals for assistance contained in the despatches, he lost no time in urging Sydney to respond to them by the immediate despatch of a store-ship. Perhaps it came upon him as a painful surprise when he found that no ship had yet been sent out in accordance with the original understanding. If faith was to be kept with Phillip, there was no time to lose in sending out the supplies he needed, six months being then the shortest time in which a ship could be expected to do the voyage. If Sir Joseph had known the degree of negligence displayed in the equipment of the Expedition, it would have prepared him for the indifference to its fate manifested in the long delay in sending out relief.

1789
The only friend in England.

Sydney did not feel sufficient interest in the fortunes of the colonists to show any foresight or sagacity in providing for contingencies. It was not at all an improbable supposition—as Phillip pointed out—that the three store-ships in the First Fleet might have been separated from the other vessels and lost on the voyage out. Had such an event happened, the Commodore would have been compelled

No provision for contingencies.

1789 to choose between taking the rest of the Fleet back to England, or proceeding with the foundation of his colony at the risk of being starved out—a risk which would have been very soon converted into a certainty. The thought of such a possibility either did not occur to the Home Secretary, or was dismissed as too improbable to be seriously considered. He appears indeed to have forgotten the colony altogether during the year 1788. There is no record of any step having been taken for the purpose of guarding against accident in any shape, or even providing for such a contingency as the exhaustion of the stores and provisions in the settlement before fresh supplies could reach it. It was assumed that all the estimates and calculations on which the Expedition had been organised would be realised to the letter; that the ships would arrive safely at their destination, that the earth would yield forth its fruits in abundance, that “the settlement would be amply supplied with vegetable productions, and most likely with fish,” and consequently that “fresh provisions, excepting for the sick and the convalescents, might in a great degree be dispensed with.”*

The Home Secretary asleep.

Sydney's calculations.

No time to think of the colony.

To whatever combination of circumstances it may be attributed—as, for instance, the intense excitement in political circles caused by the impeachment of Warren Hastings, the proceedings connected with the King's illness, and the agitation for the abolition of the African slave trade, added to the pressure of official business—it is evident that Sydney found no time to spare during the year 1788 for considering the affairs of the colony. The noble lord sat in the House of Peers, and in the course of that year performed his share of judicial duty in the celebrated cause which made the House the great spectacle of the day. In addition to that unusual task, he is reported in the Parliamentary History as having delivered seven speeches during the debates on seven different occasions, each speech being equally short

* Post, p. 484.

and unimportant. His lordship did not take a very prominent part in politics of any kind ; but so far as the affairs of the colony are concerned, he seems to have been curiously indifferent on the subject. No communication was addressed to Phillip from the Home Office during 1788, because none had been received from him ; but although his despatches, written in May and July, were received and read by Sydney, he did not send a line in reply.

1789

No reply to Phillip.

If, however, he suffered no anxiety about the fate of the settlement with which his name has since been so closely identified, there is reason to believe that the publication of Phillip's first despatches in the newspapers of the day gave rise to considerable speculation in the public mind.* The interest excited by the official documents was sustained by the publication of Captain Tench's little book—the Narrative of the Expedition,—which appeared in April, and was so eagerly read that it passed through three editions before the end of the year. It was widely read on the Continent also, judging from the fact that translations were published in the Dutch, French, and Swedish languages. On the 1st of May appeared the official volume entitled The Voyage of Governor Phillip to Botany Bay, with an account of the Establishment of the Colonies of Port Jackson and Norfolk Island. That also passed quickly through several editions, and was translated into French and German soon after its appearance in London. The impression made upon the reading public by these publications was undoubtedly wide and deep, notwithstanding the tendency in many quarters to sneer at the colony on account of the settlers selected

Public interest awakened.

Tench's book.

Phillip's Voyage.

* The Annual Register for 1789 did not give much prominence to the news. In its chronicle of events (p. 256), it announced under the heading—"Account of the New Settlement at Botany Bay," that "an authentic account has been received that his Majesty's ships the *Sirius* and *Supply*, under the command of Commodore Phillips, with the transports under their convoy, having the convicts on board for Botany Bay, have made good their passage." Then followed a short account of the principal events mentioned in the despatches. Equal importance seems to have been attached by the editor to another "authentic account" which immediately follows the news from Botany Bay—containing a description of "the much talked-of fight between Perrins, of Birmingham, and Johnson, of London."

1789 by the Government.* Some indication of the general feeling on the subject may be found in a letter addressed by a person named Raleigh to Nepean, dated from Edinburgh, May 23, 1789, which the writer began by saying—
 “It is much to the credit of those in office that an empire has been founded in the South, which time will render much superior to that which their predecessors have lost in the West.” Mr. Raleigh—apparently a country gentleman—had read Phillip’s description of the country with some attention, and the object of his communication was to furnish the Government with his ideas as to the best means of cropping the land, rearing stock, and protecting the settlement against “the ferocious incursions of the natives.” In one respect, at least, his advice was sound :—“Strict orders should be given not to attempt carrying any women to Botany Bay from the islands in the South Seas ; it would inevitably be attended with the most pernicious consequences.”†

Another
empire.

Island
women.

The Home
Secretary
awake.

The result of the Ministerial deliberations on the questions arising out of Phillip’s first despatches may be seen in an official letter from Sydney to the Treasury, dated 29th April, in which he signified his Majesty’s pleasure that a ship-of-war should be got ready to convey stores and provisions to the colony. The letter mentions that a ship called the Lady Juliana had already been taken up

* The Gentleman’s Magazine for April, 1789 (p. 340), began its review of Captain Tench’s Narrative in this fashion :—“Whether the empire of North America were founded by men who retreated from the face of Justice in Europe under the mask of conscience and liberty, or were transported thither by the hand of Justice in succeeding ages, certain it is” &c. The criminal character of the first American settlers was thus accepted as a fact beyond dispute, and the legend of the Pilgrim Fathers treated as a pleasing myth.

† His geographical knowledge of the country was not very exact, judging from his remark that—“Dampier mentions several heaths in New Holland ; if they can be discovered, they’ll afford good present feeding for sheep.” The passage in Dampier referred to will be found in his description of Shark’s Bay :—“The Grass grows in great Tufts, as big as a Bushel, here and there a Tuft : Being intermix’d with much Heath, much of the kind we have growing on our Commons in England.” Raleigh’s remark is worth noting, because it shows the impression left on the public mind by Dampier’s description of the country.

for the purpose of transporting convicts. Phillip's request that some mechanics and overseers should be sent out, was complied with; but his protest against any more convicts being sent until the colony was prepared to receive them, did not meet with any consideration at all. So far from that being the case, the Minister determined to clear the gaols at once, by shipping another selection of their inmates to Port Jackson as soon as the transports could be got ready for sea. His intention was made known to the public without delay :—

Government have come to a resolution to send out all the convicts sentenced for transportation, and all the respites, in the next fleet that is to sail for Botany Bay, in order that his Majesty's gaols in this kingdom may be at once quite cleared.*

1789
Gaols to be cleared again.

As this announcement was published a few days after Phillip's first despatches had reached the Minister's hands, it is clear that the resolution to clear the gaols again had been formed without any loss of time, and without any reference to the state of the colony. Phillip's urgent representations on the subject counted for nothing. Although it was known that he had been disappointed in his expectations of finding land fit for cultivation, and that the men he had to employ for the purpose understood nothing about it, it was assumed that he would be prepared to receive another fleet full of the same sort of material as that he had already to deal with. There was clearly no consideration either for him or the colony in Sydney's view of the matter; the one point on which his attention had been concentrated from the first remained fixed in his mind to the last—the gaols should be cleared at any price.

Phillip's protest disregarded.

The Home Office addressed the Treasury as follows :—

The letters which have been received from Captain Phillip, Governor of New South Wales, representing that a great part of the provisions sent out with him to the settlement lately made upon that coast has been expended, and that there is an immediate

* The Gentleman's Magazine for March, 1789, vol. lix, p. 274.

1789 occasion for a further supply, together with certain articles of clothing, tools, and implements for agriculture, medicines, &c., for the use of convicts now at that place, his Majesty has given orders that one of his ships-of-war of two decks, with only her upper tier of guns, shall forthwith be got ready to carry out the said provisions and stores.

A store-ship
to be got
ready.

I inclose to your lordships herewith estimates of the several articles which are supposed to be indispensably necessary on the present occasion ; and I am commanded to signify to your lordships his Majesty's pleasure that you do give orders that the same may be provided and be put on board of such ships as the Lords Commissioners of the Admiralty may appoint for the execution of that service.

Stores and
provisions
required.

I am also to acquaint your lordships that the Lords Commissioners of the Admiralty have been directed to instruct the officer commanding the above-mentioned ship to call at Teneriffe and purchase twenty pipes of wine, and also, in case he should touch at Rio de Janeiro or the Cape of Good Hope, to take on board as many black cattle or other live stock as he can conveniently accommodate, for the amount of which he is directed to draw bills upon your lordships, which bills it is his Majesty's pleasure you do discharge whenever they appear, provided they are accompanied by proper vouchers and certificates that the articles purchased shall have been obtained upon moderate terms.

Wine and
live stock.

As there are at present but very few artificers and farmers amongst the convicts now in New South Wales, his Majesty has thought it adviseable that twenty-five of those confined in the hulks in the river who are likely to be the most useful should be sent out in the ship intended to convey the provisions and stores, and that about eight or ten persons should also be engaged, and take their passage in the said ship, to be employed as overseers of the convicts. These measures, I must inform your lordships, have been strongly recommended by Captain Phillip, particularly the latter, from his having found by experience that the convicts placed as overseers have not been able to enforce their orders and carry that command which persons in a different situation would be likely to do ; his Majesty has therefore directed me to endeavour to engage the above-mentioned number of overseers, and to desire that your lordships will make provision for their salaries (which will not exceed forty pounds per annum each) as well as

Artificers
and farmers.

Overseers.

for re-imbursing the Naval Department for the expences of their victualling and that of the twenty-five convicts before mentioned, during their passage out. 1789

I understand from Mr. Richards, the contractor for the convicts on board the *Lady Juliana*, that after the supplies necessary for the voyage are put on board, there will still be room for any article of provisions or stores which may be wanting in New South Wales. His Majesty has, therefore, commanded me to signify to your lordship his farther pleasure, that you do order a proportion of clothing, tools, instruments, medicines, &c., equal to one-fourth of the quantity proposed to be sent out in the ship-of-war, to be placed on board the *Lady Juliana*; and, in addition thereto, as many provisions as she can conveniently stow. The *Lady Juliana*, in case she should touch at Rio de Janeiro or the Cape, ought also to take on board any live stock which can without inconvenience be accommodated, for the supply of the settlement. It will, therefore, be necessary that your lordships should cause the superintendent or the master of that ship to be furnished with proper instructions in that respect previously to her sailing, which I hope and expect will shortly take place. *Lady Juliana to carry stores, and live stock.*

With this letter, Sydney's official connection with the colony may be said to have closed. He remained in office until the 5th June following, when he retired into private life, being then in the fifty-eighth year of his age. It may be assumed that the equipment of the ship referred to in his letter—the *Guardian*—and also the despatch of female convicts by the *Lady Juliana*, were carried out, partially at least, under his instructions, but there is no mention of any further exercise of his powers on the colony's behalf. The only communication from him on matters connected with it appears in the shape of a private letter to Nepean, dated from Frognall, December 21, 1790, in which he mentioned the receipt of two letters from Phillip. He wrote in a genial strain, very suggestive of a good-natured disposition and a desire to assist his friends. It may, or may not, be some indication of the amount of attention he had paid to the affairs of the colony, that he did not know how to spell the name of the *Sirius*. *Exit Sydney. His last letter about the colony.*

1790 I have received two letters to-day from our friend Phillip, dated
 "Our friend the 14th and 15th of last April. He writes in good spirits and
 Phillip" represents the new settlement as having nearly overcome its difficulties. This is a much better account than I could have expected.

intercedes for his friends. He has made three requests. The first is for the rank of master and commander for the officer who brings his despatches, whom I suppose to be Lieutenant King of the *Syrias*, but he does not name him. The second is some provision for the Commissary, whom he commends much and represents as a dying man—two strong arguments in his favour; but he does not name him neither.

Thinks least of himself. The last is leave to return home for the regulation of his private affairs. He makes his last request with much the least earnestness of any of the three. Probably they may be contained in his official despatches, but I trouble you with them for Lord Grenville's information, in case he should have omitted them.

King asked to breakfast. I should likewise be much obliged to you if you would inform Lieutenant King (as I take it for granted he is, like all other seamen, under your protection) that I shall be very glad to see him whenever he can let me have that pleasure. I shall be in town to-morrow, and will, if it is not inconvenient, avail myself of your obliging offer and dine with you. If Mr. King could breakfast with me on Thursday, he would oblige me very much.

Phillip's "good spirits." The two letters from Phillip received by Sydney in December, 1790, had been brought to London by Lieutenant King, who had been recalled from Norfolk Island for the purpose of being sent to England.* He had sailed from Sydney Cove on the 17th April in the *Supply*, bound to Batavia for provisions. King's account of his friend in his old age, when he was "quite a cripple, having lost the entire use of his right side," represents him as even then enjoying good spirits; "his intellects are very good, and his spirits are what they always were." That was some evidence of the triumph of mind over matter; but if he wrote his letters of April, 1790, to Sydney in good spirits, his self command was nothing less than supreme. Ten

* Ante, pp. 188, 193-4. King arrived on the 20th December.

days before he wrote, he had learned the most dismal news that had yet reached him—the wreck of the *Sirius* at Norfolk Island. When he had sent her on her fatal voyage in March, the colony was threatened with famine through the non-arrival of the expected ships from England; and her wreck had deprived it of almost its only hope of rescue. As soon as the news became known, a panic spread through the settlement; and at six o'clock in the evening all the officers of the garrison, civil and military, were summoned to meet the Governor in council. It was then determined to reduce the allowance of food, already as low as it could well be, and to send the *Supply* to Batavia for provisions. The very existence of the people, as it then seemed, depended on her safe return. The prevalent state of mind among them is described by Collins and Tench as one of extreme dejection, bordering on despair. Is it conceivable that, under such circumstances, Phillip could have written to Sydney in good spirits, and represented the new settlement as having nearly overcome its difficulties? It seems much more reasonable to suppose that Sydney's happy indifference to the settlement and the people in it, led him to interpret Phillip's reserve in the manner most consistent with his own way of thinking on the subject.

1789

Wreck of the *Sirius*.

Council of war.

Rose-coloured spectacles.

In the dedication of his account of the colony to Sydney, Collins not only spoke of him as “the Originator of the Plan of Colonisation of New South Wales,” but added that his pages would show “with how much Wisdom the Measure was suggested and conducted.” That Sydney was not the originator of the plan on which the colony was founded, is apparent from the proposals written by Matra and Sir George Young, whose suggestions were subsequently adapted to official purposes under his lordship's directions. In one respect, no doubt, he is entitled to credit for originality in his share of the work, inasmuch as it was evidently through his influence that it was ultimately cut down to a scheme for clearing the gaols. “When I conversed with Lord Sydney on this subject,” Matra

The Originator and his Wisdom.

Sydney's idea.

1789 remarked, "it was observed that New South Wales would be a very proper region for the reception of criminals condemned to transportation." That appears to have been the ruling, if not the only, idea which suggested itself to the Home Secretary in connection with the project.

American
loyalists.

The opportunity which was then available for the settlement of the loyal American colonists in New South Wales was strongly urged by Matra and Sir George Young, as one reason for colonising that territory; but it was discarded by Sydney for reasons unknown. At the time that their proposals were under consideration, the loyalists, who had suffered severely during the War of Independence, were pressing their claims for compensation on the Government. In June, 1788, a debate took place in the House of Commons on this question, in the course of which it was stated by Pitt that the claims amounted to between two and three millions of money. The Government proposed to issue debentures to the necessary amount, "which would be nearly equal to a money payment," and to pay them off by instalments by means of a lottery.* This scheme for the relief of the loyalists commended itself to the House, and was accepted accordingly. Looked at in the present day, it does not seem a very favourable specimen of Pitt's statesmanship. It might have occurred to him that colonists driven from their homes by stress of war in one part of the British dominions, would form the best possible material for building up a great colony in another. Had he come forward with a proposal to colonise New South Wales and to establish the American loyalists—or at least some of them—in the new world, it would surely have been hailed by the nation as a proposal worthy of a statesman. Financial critics might have supported it on the ground that grants of land in the colony would not form any drain on the Treasury; while many colonists would have been better pleased with liberal payment in that shape, than with debentures representing

Claims for
compensation.

Pitt's
opportunity.

* Parliamentary History, vol. xxvii, p. 610.

only a small portion of their losses. Many of the loyalists had gone to Nova Scotia and elsewhere in search of new homes, and were prepared to settle in any other country that might be thrown open to them in the King's dominions. Their readiness to do so was brought under the notice of the Government in a letter written in 1784 by Matra to Nepean, which is still in existence among the records.* Sydney and his colleagues were consequently in possession of facts which would have enabled them, had they thought fit, to found a colony with free settlers of the very kind required for the purpose.

1789

Loyalists
looking out
for new
homes.

Some idea of the results that might have been obtained in New South Wales had the Government resolved to turn the tide of American emigration towards it, through ever so small a channel, may be formed from the history of the British American provinces at that period. From the year 1783, when peace was declared with the insurgent colonies, the tide flowed strongly towards the struggling settlements in Nova Scotia, New Brunswick, Prince Edward Island, and Cape Breton, which then offered the nearest asylum to the unfortunate loyalists. Nova Scotia, in particular, owed its subsequent prosperity almost entirely to their labours. Immediately after the treaty of peace had been signed, eighteen thousand of them settled within its borders, and laid the foundation of many successful enterprises. They brought with them, not only large sums of money, vessels, merchandise, cattle, and household goods, but the settled habits of industrious colonists. In 1785, a whale fishery was established at Dartmouth in New Brunswick, by the settlers who came from Nantucket in Massachusetts; three thousand of whom arrived at the river St. John in the spring succeeding the peace, followed by twelve hundred more in the autumn. "The town of Shelburne at Port Roseway rose up as by enchantment, having a population of twelve thousand in a few months, where no habitations had

Loyalists
settled in
British
America.

Whale
fishery.

* Post, p. 549.

1789 previously existed. Saw-mills and grist-mills were built in all the settlements in which there was a population sufficient to pay the expenses." The loyalists who settled in Prince Edward Island were not only industrious in their various occupations, but extremely ingenious, building their own houses and making their own shoes, ploughs, harrows, and carts; while the women spun, knitted, and weaved linens, cottons, and woollen cloth for domestic use. The powers of endurance shown by those who went to New Brunswick gave proof of their capacity for encountering the difficulties inseparable from colonisation in its earliest stage. They had to make their homes in the wilds of the country, in the face of a relentless winter, where their cabins were covered with snow as soon as they were put up. On their arrival, they found a few hovels where the city of St. John's is now built, the adjacent country exhibiting a most desolate aspect, peculiarly discouraging to men who had just left their homes in the cultivated parts of the United States. To relieve their distress, the Governor of the province gave orders that they should be supplied with provisions for the first year at the public expense; but as the country was not much cultivated at that time, food could scarcely be procured on any terms.*

Self-reliance,
industry,
and
ingenuity.

Government
help.

Phillip's
position on
landing.

Fifty
farmers
worth a
thousand
convicts.

Remembering the state of helplessness in which Phillip found himself when he endeavoured to open up the country on his arrival, it is not difficult to see how different his position would have been had he brought with him some of the colonists who had looked in vain to the British Government for assistance in forming a settlement in New South Wales. How well he knew and felt the difference between such men and those he had to depend upon, may be seen in the remark he addressed to Sydney:—"If fifty farmers were sent out with their families, they would do more in one year in rendering this colony independent of the mother country, as to provisions, than a thousand convicts."

* McGregor, *British America*, vol. ii, pp. 49, 50, 223.

Fifty of the American loyalists would have settled all his agricultural difficulties in a very short time. They would have shown him how to clear forests, drain swamps, make roads, and build houses ; how to cultivate the soil, and how to turn to account every native product of the country they might meet with. They would have led the way in his exploring expeditions, and instead of being compelled to turn back after a few days' helpless wandering in the bush, they would have shown him how to cut a way through it as easily as if they had been guided by the unerring instinct of the native. The Blue Mountains would not have defied them for five and twenty years ; they would have found their way across its rugged ranges to the pastoral plains of the west, as soon as the increase of their flocks and herds had compelled them to seek fresh pastures. They would have shown, too, how the soil between Sydney Cove and Botany Bay, which he had described as "a poor, sandy heath, full of swamps," might be made to yield all the vegetable produce that his settlement stood in need of. They would have built their log huts and made their gardens on the banks of Cook's River, the Parramatta, the Hawkesbury, and the Nepean ; and in the midst of their cultivations would have been found, in due time, the school-house, the market, and the church. And had there been among them any whalers from New England, they would have pointed out how easily a flourishing trade might be established on the coast, with every prospect of proving a source of wealth to the colony and the mother country.*

1789

Pioneer
settlers.

Exploration.

Market
gardens.Whale
fishery.

* Until the year 1791, no idea seems to have occurred to any one, either in England or in the colony, as to the probable existence of whales in large numbers off the coast of New South Wales. Neither Matra nor Sir George Young, in describing the various resources of the country and the prospect it afforded of opening up new branches of trade, made any reference to a whale fishery as a possible source of wealth. How plentiful the fish were in Phillip's time may be seen from the fact that one was washed ashore on the coast near Botany Bay in 1788, and another entered the harbour in July, 1790—where it remained for several weeks, during which it upset a boat containing a midshipman and three marines, of whom two were drowned. Phillip's silence leads one to infer that he had not formed any idea on the subject. The first proposal to establish a fishery came from the master of the transport *Britannia*, which arrived in October, 1791. He set out on a

1789

Colonial
experience.Energy and
enterprise.

The loyalists could have done all these things simply because they and their fathers had already done them in America. The hardships and privations of the settlers in a new country were known to them from experience; they were familiar with the habits of savages, and they had been accustomed to see the convict working in their fields. Thus they were armed at all points with the practical knowledge and experience which would have proved invaluable in developing the resources of this country. Had they been sent out to New South Wales in sufficient numbers, with convict labour to assist them on the plan suggested by Phillip, they would have brought about far more striking results than they accomplished in British America. They would have saved the colony from the protracted agonies of famine and misery of all kinds which it had to endure for years after its foundation; and they would have given a character of energy and enterprise to the population, which would have enabled it to overcome with comparative ease all the difficulties it had to encounter in subsequent stages of its history.*

The Govern-
ment policy.

As it may be assumed that the question whether the loyalists should be encouraged to settle in New South Wales was fully considered by the Government in connection with the expedition to Botany Bay, it is worth while to examine

cruise with five other ships soon afterwards, and on his return in a few weeks reported that "upwards of fifteen thousand whales were seen in the first ten days that he was absent, the greater number of which were observed off this harbour."—Collins, p. 187; Tench, *Complete Account*, p. 209. Cook makes no mention of whales in these seas; but Dampier noticed them in large numbers off the west coast in 1699:—"The Sea is plentifully stock'd with the largest Whales that I ever saw."—Vol. iii, p. 106.

* Burke's description of the enterprise shown by the American colonists, particularly as regards their whale fisheries, forms one of the most striking passages in his speech on Conciliation with America, 1775.—"Look at the manner in which the people of New England have of late carried on the whale fishery. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood."

the reasons which may be supposed to have determined it in the course it pursued. Whatever they may have been, it is not easy to see, at first sight, what weight they were entitled to when contrasted with those on the other side. For some years after the loyalists had been driven out of the United States, the question as to what should be done for them by the Government had been a standing subject of discussion, in Parliament and out of it. In June, 1783, Lord John Cavendish, then Chancellor of the Exchequer, presented a petition from their agents, and afterwards moved for a bill instituting a new commission for the purpose of inquiring who were the persons entitled to relief in consequence of their sufferings during the war.* It was not until five years had passed away that Pitt brought forward his proposal to grant the sufferers compensation in the shape of debentures, to be paid off by means of a lottery. During the interval, many of them had practically settled the difficulty for themselves by removing in large numbers to British America and the West Indies.†

1789

Reward for
loyalty.Parliament-
ary inquiryDispersion
of the
loyalists.

There is reason to suppose that it was owing largely to this question of the loyalists that Matra was led in 1783 to make his proposals for the colonisation of New South Wales. His paper is dated 23rd August of that year; in January the independence of the United States had been recognised, and immediately after that event the exodus of the colonists began. The essence of his proposal was that the colony should be founded by free settlers, and he pointed to the loyalists as the men for the purpose. It was not until

Matra's
starting
point.

* Parliamentary History, vol. xxiii, p. 1041.

† The position of the loyalists, after the close of the war, may be seen in a notice published in the Monthly Review for July, 1786, vol. lxxiii, p. 63, of a pamphlet entitled *An Address to the Loyal Part of the British Empire and the Friends of Monarchy throughout the Globe*. By John Cruden, Esq., President of the Assembly of the United Loyalists, &c. The Review said:—"The fate of the American loyalists in the southern provinces is peculiarly distressing. It is stated that they took refuge in Florida, under the promise of protection from the British Government, but on the event of the peace, found themselves left unnoticed in the hands of the Spaniards, to whom that province was ceded, and by whom they were ordered to quit it. In this exigence they have empowered Mr. Cruden, one of their number,

1789 Sydney suggested to him that New South Wales would be a very proper region for the reception of criminals, that he added a postscript to that effect. But while he thought of free settlers, the Government thought only of convicts. The Home Secretary was constantly troubled with the state-of-the-gaols question, which had long been the night-mare of his official slumbers. Where to send the convicts when the ports of the United States were closed, was the great problem he had to solve. What to do with the loyalists was not a matter that could trouble the Government; it could be settled by payment of compensation. If they were left to themselves, they would go to Nova Scotia or somewhere else; and wherever they might go, it would be at their own expense and on their own responsibility.

Sydney's trouble.

Penal settlements in favour.

For the convicts, Sydney argued, some new settlement must be found, which could be made self-supporting by their industry in the course of a year or two. The African coast having been explored for the purpose unsuccessfully, there remained only the proposal for the colonisation of New South Wales. The chief objection to it was the distance and consequent length of the voyage; but there was some compensation in that, because the convicts could not return to England from the other end of the world. Sending out the loyalists in any number would involve several objections. In the first place, there was the question of expenditure. Their transport and personal expenses would have to be provided for, while they would require to be maintained for the first two years at least from

Objections to sending out loyalists:—

1. Expense.

whom they chose for their president, to negotiate a lottery, on the plan of our State lottery, only for dollars instead of pounds, to procure them present relief."—Many of the loyalists in Georgia went to Jamaica; *Gentleman's Magazine* for January, 1783, vol. liii, p. 84.

In a series of resolutions passed at a meeting of the freeholders of the town of Worcester, in New England, held on the 19th May, 1783, the loyalists were described as "a set of people who have been, by the united voice of this continent, declared outlaws, exiles, aliens, and enemies," and it was resolved that should any presume to enter the town, they should be immediately confined for the purpose of transportation according to law. These resolutions were referred to in the *Gentleman's Magazine* for July, 1783, vol. liii, p. 615, as expressing "the general sense of the inhabitants from one end of America to the other."

the public stores. One of the most urgent considerations in connection with the project being the matter of expenditure, this objection became serious. Every item in the long list of expenses, from the Governor's salary down to the daily allowance of salt pork, would have to be carefully scrutinised, in order to reduce the sum total to the lowest possible amount. Provisions calculated to last two years would be supplied, out of which the two King's ships would have to be victualled ; and the people sent out, marines and convicts alike, must then be taught to look to the land for their means of subsistence. 1789

There was still another point to be considered. The loyalists had been accustomed to the exercise of all the rights, legal and political, of freemen in their own colonies ; and the Government had already had a taste of American views on the rights of colonists. It did not want another. In any case, free settlers could not be governed on the same principles as convicts ; and if the settlement was to be composed, wholly or in part, of men who had not forfeited their liberty, Sydney's scheme would have to be completely altered. The administration of justice could not be left entirely in the hands of half a dozen young officers of marines, whose notions of legal principles were those of soldiers. Englishmen on trial for their lives or liberties, contesting a question of right, or seeking redress for a wrong, were entitled by the common law to a jury of twelve ; and juries meant judges who were qualified to expound the law. An establishment formed on such principles would be essentially different from that which it was intended to send out with the convicts. On the one hand, there was a small military camp ; on the other, there would be a free settlement, which would very soon demand legislative institutions and the right of self-government on the model of the American colonies.

2. Political complications.

3. Administration of justice.

Martial law or free institutions.

It is always easier to fall back upon precedent and routine than to strike out an original course of action ; and

1789 Sydney might well have thought it safer to continue the existing system of transporting convicts to the colonies, than to risk his own political credit by novel legislation, or by attempting the establishment of a colony on new principles.

Prejudice in
favour of
established
system.

The hulks in the Thames, as well as Newgate and the other gaols in the kingdom, were crowded with felons of all kinds who—but for the American war of independence—would have been sent off in shiploads to Maryland and Virginia, as of old. All the material necessary to found a colony, as he thought, was ready to his hand, and so the order was given that convicts should in future be sent to New South Wales instead of to America. The difference amounted to no more than pointing the ships' heads across the Pacific, instead of across the Atlantic, Ocean. The exclusion of free settlers from the scheme, in the first instance, was probably due to fear of political complications; and such men would not for many years have been allowed, still less encouraged, to go out to the colony in any number, but for the representations made by Phillip. Nor is this view of the matter altogether to be wondered at, when the history of European colonisation is borne in mind. Up to that period, it had not proved an easy matter to obtain free settlers for the purpose of occupying new countries; there was a strong prejudice, too, against the emigration of such men; and governments had consequently been under the necessity of employing convict labour and encouraging the slave trade in peopling their colonies, which were then valued solely for what they could contribute to the wealth of the parent State. Convict and slave labour grew universally in demand for working mines, growing sugar, cotton, and tobacco, and otherwise providing raw material for the home markets. Transportation and the slave trade had thus become firmly embedded in the national policy, to such an extent that the American and West Indian colonies might be said to have been built up on those foundations.

The old
mode of
founding
colonies.

Convicts and
slaves.

In this decision of Sydney's may perhaps be found an explanation of the singular negligence which marked his

conduct of the business. When Collins expressed the hope that his pages would show "with how much Wisdom the Measure was suggested and conducted," he knew that they showed only too conclusively with how little wisdom the colonisation of the territory had been planned and conducted by the Minister. It is manifest that the whole scheme had been narrowed down in his mind to a point which enabled him to meet the pressing emergency of the day; and as soon as that was accomplished, he thought nothing of sacrificing the infinitely larger considerations involved in the work. Everything was made to give way to the mere exigency of the moment. That the scheme escaped utter wreck and ruin, was due almost entirely to the vigilance and foresight displayed by Phillip throughout the term of his command.

1789
Quantula
sapientia
mundus
gubernatur.

In justice to Sydney, it should be borne in mind that, while he was engaged in framing his colonial policy, so to speak, he could not have had any conception as to the real or prospective value of the territory which was about to be occupied in the old convict fashion. Beyond the account he had read in Cook's Voyage of the land at Botany Bay, and the information he had obtained from Sir Joseph Banks, he knew nothing about the capabilities of the soil or the character of the country; and possibly he was so far misled on the subject as to believe that the cultivation of the land would soon render the colonists independent of further supplies. Until the publication of Cook's volumes, there was nothing to encourage a belief that the east coast of New Holland was very much better than the west, which Dampier had described as a dreary waste, occupied by the miserablest people in the world. The descriptions given by Matra and Sir George Young of the various products of New South Wales, and of the valuable trade that might be carried on with them, were probably regarded either as visionary speculations, or else as involving difficult complications with the East India Company. It was not until Phillip's despatches were read that very different ideas

Value of the
territory
not known.

Prevalent
ideas.

1789 as to the nature of the territory were spread abroad through the public press. The nation then learned that his fleet had sailed unexpectedly into the "finest harbour in the world, in which a thousand sail of the line might ride in safety"; that the country was a fine one, with a healthy climate, and that free settlers only were required to make it "the most valuable acquisition Great Britain had ever made."

Impression
made by
Phillip's
despatches.

Convict
labour
under the
American
system.

When it was determined on the one hand that none but convicts and their guards should be sent out, and on the other that the colony must be made self-supporting by their labour, it is obvious enough, now, that two inconsistent propositions were laid down. But it was not obvious then. All that was known about the merits of convicts as agriculturists was derived from their history on the American plantations, where their labour had been readily bought up on the arrival of the transports, and utilised by the buyers on a well-developed system. The men were worked in gangs under competent overseers, and were not only made to work but were thoroughly drilled in their business. Under that system, they had done well, as a rule, many of them having ultimately passed into the ranks of respectable settlers or free labourers. It had worked so smoothly for many years that Sydney's faith in the qualifications of convicts as farm labourers may possibly have come to him as a tradition of the Home Office. For either his faith in their capabilities was strong, or his action in sending out such people as he did was inconceivably reckless. There would be no exaggeration in saying that every life in the settlement was jeopardised by it.

Statesman-
ship of the
time.

The conclusion to which one is naturally led on this subject is that the statesmanship of the time was not equal to the conception of a project for the foundation of a great colony, on principles which would now-a-days be deemed worthy of England. If it was owing entirely to the blunders of Ministers that the American colonies were lost to it, the same reason will account for the ignoble choice between

convicts and free settlers made by the Pitt Ministry when the colonisation of New South Wales was undertaken. It was a greater blunder in its way than the passing of the Stamp Act in 1765; for that might have been remedied by repeal, but the other could not. In all that related to the execution of the project, the matter was determined by the meanest considerations. The future of the colony was ignored as coolly as the sufferings of the wretched people sent out to it. The great moral questions involved in the employment of convicts in founding a colony did not meet with any attention whatever. Just as it was resolved that female savages should be carried away from their island homes in order to provide convicts with wives, so it was determined that the settlement of the territory should be confined to felons in preference to freemen. The social results likely to arise in either case were not viewed as they would be in the present day; they were shut out of consideration altogether, and the question at issue was reduced to one of practical convenience.*

1789

Choice
between
convicts
and free
settlers.Moral
questions
involved in
founding a
colony

There does not appear to be any foundation for the idea, to which some writers have given expression, that the scheme for the settlement of this territory was matured by Pitt, still less that it originated with him in a patriotic desire to create new colonies in place of the old. Had the Prime Minister taken any active part in the matter, some traces at least of his hand would have been found in the course of the long negotiations which preceded the sailing

Pitt's
connection
with the
scheme.

* The slow growth of opinion on this question may be seen in Dr. Lang's comment on it, in his *Historical Account of New South Wales*. Having stated the three main objects of the British Government in the formation of the proposed settlement, one of which was "to form a British colony out of those materials which the reformation of the criminals might gradually supply to the Government, in addition to the families of free emigrants who might from time to time be induced to settle in the newly discovered territory," the Rev. Dr. remarked:—"These, the reader will doubtless acknowledge, were objects altogether worthy of the enlightened legislature of a great nation; in fact, it was the most interesting and the noblest experiment that had ever been made on the moral capabilities of man." This was published in 1834; but it is not conceivable that any such doctrine could be seriously uttered by a great advocate of morality and religion in the present day.

1789 of the First Fleet. But beyond an inquiry addressed to an Under Secretary for a statement of the estimated expenditure, probably required for the purpose of the budget, there is no indication that he had devoted more than passing attention to the project. If there were any reason to suppose that he had framed the society which was put together on the shores of Sydney Cove by Phillip, it would greatly justify Brougham's opinion of his statesmanship:—
 “For the leading defect of his life, which is seen through all his measures, and which not even his great capacity and intense industry could supply, was an ignorance of the principles on which large measures are to be framed, and nations to be at once guided and improved.”*

Brougham's
opinion of
his states-
manship.

Social
questions
not
considered.

Internal
reform left
to the Home
Department.

There was a still graver defect in his statesmanship to which Brougham made no allusion in his summary of Pitt's shortcomings; but it was one that was common to all the statesmen of his age. His energies were devoted so exclusively to financial and foreign affairs that the great social questions of the time received no attention from him. While he was devising new schemes for improving the revenue, or fresh combinations for checking the progress of the French Revolution, such small matters as the education of the people, the prevention of crime by means of an effective system of police, the amendment of the criminal laws, the purification of the gaols, and the introduction of sound methods of penal discipline, were entirely overlooked. During his tenure of office as Prime Minister, which lasted for eighteen years, these questions remained as they were when he began his career; and so far as his administration was concerned, the moral state of the nation benefited no more by his policy than it did by that of Sir Robert Walpole, or any other of his predecessors. He seemed, indeed, to think that because questions of internal reform were officially within the province of his Home Secretary, they were beneath the dignity of a Prime Minister, and accord-

* Statesmen of the Time of George III.

ingly confined his attention to questions with which his political reputation was identified; but the result was that nothing of any moment was done in the shape of domestic legislation. Sydney's capacity for originating useful measures never displayed itself; and although Howard and Bentham had done so much to smooth the way for reform, no measures were taken during his time for the improvement of penal discipline. The old system of transportation was continued without any attempt to prevent its abuses, and another continent was polluted with the scum of England's people, with as much indifference to results as if the history of American colonisation had never been written.

1789

Penal discipline.

The proposal to occupy this territory necessarily required the sanction of the Prime Minister, and to that extent it came under his official notice; but there was nothing in it that appealed to his imagination or stirred the current of his ambition. A proposal to occupy the Falkland Islands or Tristan Da Cunha would have made quite as much impression on him. Everything connected with the project, from first to last, appears to have been left entirely to Sydney; and the many singular mistakes which were made in the execution of it can be understood if we suppose that he left everything to Nepean, while Nepean left everything to somebody else. That Sydney was not a statesman of unusual capacity is apparent from the reports of his speeches in Parliament. Whatever the subject he discussed, he was evidently reluctant to take any view of it that was not essentially commonplace. He held office for many years, and had abundant opportunities for distinguishing himself in Parliament; but his name is not associated with any measure of importance, except that of the settlement of New South Wales. It is a remarkable fact that one of the least notable politicians of the time should have exercised far more influence over the destinies of a young nation than any of his illustrious contemporaries.*

Cabinet measure.

Sydney in Parliament

* In his early days Sydney was familiarly known in the social and political circles of his time as Tommy Townshend—or sometimes Mr. Tommy

1789

Burke and
the colonies.

His atten-
tion not
attracted by
colonisation.

Conserva-
tive whig.

There was but one man in the Parliament of that time who had devoted any serious attention to the affairs of the colonies, or who could be said to have formed any opinions of his own on the philosophy of colonisation. His speech on Conciliation with America, delivered in 1775, shews that he had devoted himself as warmly to colonial affairs then, as he did in later years to questions connected with the government of India and the French Revolution. But in 1788 the American question had burnt itself out, with such results to minds like Burke's that matters relating to the colonies had lost whatever interest they once possessed—even if the more sensational incidents connected with French and Indian politics had left him any appetite for smaller game. There is nothing to show that his attention was ever directed to the settlement of New South Wales, either at the time when the Government scheme was slowly evolving itself, or in later years. And if it had been, there is no reason to believe that he would have interfered with a view to the amendment of the Ministerial plans, however deeply impressed he might have been with their impolicy. The state of his mind on colonial questions at that time may be seen in his speeches in the House of Commons on the Quebec Government Bill, introduced by Pitt in 1791.* By far the most advanced statesman of his day, Burke was not in conflict with the established policy of the country on general

Townshend. Goldsmith immortalised him in his sketch of Edmund Burke in his *Retaliation*—

Though fraught with all learning, still straining his throat
To persuade Tommy Townshend to lend him a vote.

He was born in 1732, and was the grandson of Charles, second Viscount Townshend. Lady Exeter, a relative, by her will made in 1776, left him her fortune of £70,000, after a life interest in it to her husband.—*Grenville Papers*, vol. i, p. 157. He was a Lord of the Treasury in 1765 in the first Rockingham administration, which lasted for twelve months; and on the formation of the second Rockingham Cabinet in 1782, which included Fox and Burke, he was appointed a Secretary of State on the retirement of Fox. This administration was formed in March and dissolved in July of the same year, when it was succeeded by the Earl of Shelburne's Ministry, which existed from July to the following April; the coalition between Fox and North then coming into power. Sydney was in office under Lord Shelburne as Home Secretary, and was appointed to the same department in Pitt's Ministry in December, 1783.

* *Parliamentary History*, vol. xxix, pp. 364, 461.

questions. No doubt he was aware of the moral objections to the transportation system, and was well acquainted with the views of the colonists on that subject; but he never raised his voice against it, except when he protested against the inhumanity of sending convicts to the African coast.* Clearly as he saw that, he did not seem to see that there were equally grave objections to sending shiploads of criminals to colonise a new country. The moral sentiment of the age on such questions, so far as it had any existence, found no expression in him. He had nothing to say about the iniquities of the system, and much less than might have been expected about the horrors of the slave trade—the two most objectionable facts in the history of his time.†

1799

No protest
against
transporta-
tion.

What the slave trade meant to the colonies may be seen in the case of the West Indies and the United States—the one ruined by it, the other forced to undergo the most terrible struggle recorded in history in order to get rid of it. But neither the picture of desolation and decay presented in the case of the Indies, nor the one million lives and two thousand millions of money wasted by the States, can be said to furnish an adequate measure of the evil inflicted on the colonies through the long years of its existence. That must be left to the imagination. It would be equally difficult to form an estimate of the wrong done to them by the transportation of convicts to their shores. To plant criminals in every little centre of population

The slave
trade.Measure of
the evil.

* Burke had no doubt read the History of the Province of New York, by William Smith, A.M., published in London in 1776, in which the author explained the slow rate of increase in the population as follows:—"Many have been the discouragements to the settlement of this colony. The French and Indian irruptions, to which we have always been exposed, have driven many families into New Jersey. At home, the British Acts for the transportation of felons have brought all the American colonies into discredit with the industrious and honest poor, both in the kingdom of Great Britain and in Ireland."—Post, p. 536.

† In 1786, England employed one hundred and thirty ships in the Slave trade, and carried off forty-two thousand slaves from their homes to the plantations. The trade was not abolished until 1807.—Haydn, Dictionary of Dates. The delay in England is usually attributed to the peculiar attitude adopted by Pitt, who always declaimed eloquently in favour of abolition, but allowed his colleagues to vote against it.

1789 through the length and breadth of the land, working on the farms, the roads, and the public buildings of a young country, where society has hardly had time to establish itself, is to create the most formidable obstacle to social progress that can be conceived. The moral result of such an element is concentrated poison of the most virulent kind, certain to make itself felt in a thousand unsuspected places, and sometimes to break out in an eruption of atrocious crime.

Social blood-poisoning.

The dullness of vision on these subjects which shows itself so palpably in the statesmanship of the last century, is one of the most conspicuous features in its history. There was not a statesman of that time who expressed any doubt as to the good results likely to flow from the transportation system. All argument on the subject was summed up in the dogma that, if the mother country benefited by it in one way, the colony derived an equal advantage in another.* In the course of a short discussion in the House of Commons on Botany Bay in 1791, Pitt expressed the following sentiment† :—

Popular view.

Pitt's view—good policy to contaminate colonists.

That it was a necessary and essential point of police to send some of the most incorrigible criminals out of the kingdom, no man could entertain a doubt ; since it must be universally admitted that it was the worst policy of a State to keep offenders of that description at home to corrupt others and contaminate the less guilty, by communicating their own dangerous depravity.

Here we see that, while Pitt's mind was occupied with the fear of innocent people in England being corrupted and contaminated by contact with criminals, it did not occur to him that equally innocent people in the colony might in after years become the victims of similar associations. Nor did the matter meet with any attention from a Select Committee of the House of Commons which, in 1812, recommended that women of the worst class should be sent out to become the mothers of a new race.

* The pious Portuguese excused the capture of African negroes on the ground that, by making slaves of them, they saved their souls, because they were converted to Christianity.—Helps, *The Spanish Conquest in America*, vol. i, p. 31.

† *Parliamentary History*, vol. xxviii, p. 1224.

They are aware that the women sent out are of the most abandoned description, and that in many instances they are likely to whet and to encourage the vices of the men, whilst but a small proportion will make any step towards reformation; but yet, with all their vices, such women as these were the mothers of a great part of the inhabitants now existing in the colony, and from this stock only can a reasonable hope be held out of rapid increase to the population.

1789

House of Commons' view—prostitutes make good wives and mothers.

The Committee saw no objection to the idea of populating the colony with generation after generation descended from the outcasts of the streets. They not only made no recommendation to substitute free settlers for convicts, but the tenor of their argument shows that they looked upon the existing system as perfectly sound in principle.

The slave trade and the transportation system have long since passed away; but it is necessary to bear in mind how closely they had grown up together through successive ages, in order to appreciate the reasoning which, in the eyes of statesmen of the last century, justified the colonisation of a new country by means of chain-gangs instead of free settlers. It is difficult, in the present day, to understand how a colonial policy based on principles so revolting could have found favour in England, until we recollect that they were adopted in the first instance, and were maintained in after years, because they appeared then to be a natural and proper, if not the only, means of solving a very difficult problem—how to occupy and cultivate the waste places of the earth. No nation in Europe at that time had any surplus population seeking an outlet in the colonies.* In the present day, every nation is in that position; although there is only one that possesses colonies capable of absorbing large numbers of emigrants from year to year. The old policy has so completely died out as to be almost forgotten by a generation occupied with the development of a new one, every feature in which indicates a complete

Colonisation by slaves and convicts.

Origin of the two systems.

* The population of Great Britain and Ireland in 1712 was 9,429,000; in 1754, it was 10,658,000; and in 1780, it amounted to 12,560,000.—Mulhall, Dictionary of Statistics.

1789 revolution in the minds of Englishmen. To those who are familiar with the literature of the eighteenth century relating to the colonies, that of the present day is something more than refreshing. The newspaper and magazine writers of former times looked upon the distant possessions of England as so many fields for comic satire;* novelists sought material in them for the romance of crime and stirring adventures in low life; political economists studied their annual lists of imports and exports, in order to calculate their precise value to the mother country. There was no dream then of Imperial Federation; there was no talk about Greater Britain and the Expansion of England; there were no schemes for bringing about a closer union between the colonies and the mother country. Their politics were treated with contempt; their social status was regarded with scorn and aversion; their manufactures were sternly prohibited; their commerce was strangled by the Trade and Navigation laws; and so little were they valued as component parts of the empire that one wrong-headed Minister after another was suffered to goad the greatest of them into rebellion by a series of hostile measures—and that, too, at a time when the capture of a small island in the tropics by the French or Spaniards, would have set the nation in a flame.

The old
style,

and the
new,

Tempora
mutantur.

* The Whitehall Evening Post, 21st November, 1786, published the following verses on the proposed Expedition to Botany Bay :—

Let no one think much of a trifling expense ;
Who knows what may happen a hundred years hence ?
The loss of America what can repay ?
New colonies seek for at Botany Bay.

Of those precious souls who for nobody care,
It seems a large cargo the Kingdom can spare ;
To ship off a gross or two make no delay,
They cannot too soon go to Botany Bay.

They go of an island to take special charge,
Much warmer than Britain and ten times as large ;
No custom-house duties, no freightage to pay,
And tax-free they'll live when at Botany Bay.

ADMINISTRATION OF JUSTICE.

How little importance was attached in those days to the 1788-1828
moral aspect of public questions, may be seen in the provision made for the administration of justice in the colony. It is an ancient boast of English jurisprudence that the meanest subject in the realm is as much entitled to the protection of its laws as the greatest; one of his safeguards being that, when placed on his trial, he must be tried by a jury of his countrymen before a judge whose independence of the Crown is not open to suspicion. But the Criminal Court established in the colony was not a Court of Justice in any sense consistent with legal definitions. The persons tried before it were not tried according to the common law of England. They were tried by a Court invented for the occasion, framed on the model of a Garrison Court-martial, but wanting even the security it afforded for an impartial administration of justice; every trial being conducted on a system originally established for the preservation of military discipline by a rough and ready process of arriving at conclusions—a process well enough adapted to cases in which soldiers were to be tried for petty offences against discipline, but which amounted to a flagrant denial of justice when civilians were arraigned on charges entailing terrible punishment. Where was the moral justification for a law by which people sent out to form a colony were denied a right that could not have been denied them in England? What assurance could there be that any man condemned to suffer death or flogging in the Judge-Advocate's Court had been justly convicted? Even if the right to be tried for any subsequent offence according to the common law had

Right to
trial by jury.

denied to
colonists.

1788-1828 been forfeited on a conviction and sentence to transportation, it would have revived on the expiration of the sentence; yet not only was every convict deprived of it for life, but every free settler was involved in the forfeiture. The vicious system thus established was maintained long after the colony numbered such settlers by thousands, and the right of trial by jury—the birthright of every Englishman—was not conceded until 1828.*

Trial by
jury con-
ceded.

The
Supreme
Court.

Military
jury.

Even when a "Constitution" was granted to the colony in 1823,† and a Legislative Council composed of five persons, appointed by the Crown, was created for the purpose of tempering the arbitrary authority of the Governor, it was still considered necessary to withhold the right, except in civil cases, of trial by jury. By a Charter of Justice issued in that year, a Supreme Court of New South Wales was created, in place of the several Courts previously existing—known as the Criminal Court, the Governor's Court, the Supreme Court, the Court of Vice-Admiralty, and the High Court of Appeals. The Act required that all issues of fact on the criminal side of the Supreme Court should be tried "by a jury of seven commissioned officers of his Majesty's sea and land forces," nominated by the Governor. The only concession made was the right of challenge on the ground of interest or affection. On the civil side, issues of fact were to be tried by the Chief Justice and two assessors, Justices of the Peace, who were to be nominated by the Governor, and who might be challenged on any ground allowed in the Courts at Westminster. By consent of parties, such cases might be tried before a jury of twelve freeholders. But prosecutions were no longer to

* By the second "Constitution" Act—9 George IV, c. 83—which enlarged the Legislative Council of the colony from five to fifteen members, and empowered it to "extend and apply the form and manner of proceeding by grand and petit juries," as it might think fit. Under that authority, the right of trial by jury in civil cases was granted, in an optional form, by the local Act 10 George IV, No. 8 (1829), and in criminal cases, in the same manner, by the Act 4 William IV, No. 12 (1833). Trial by jury was made absolute in all cases by the Act 11 Victoria, No. 20 (1847), which consolidated the local jury laws.

† 4 George IV, c. 96 (1823).

be conducted by the person who presided as judge, and that person an officer of marines; a barrister was appointed Chief Justice and another Attorney-General, whose duty it was to draw the indictment in criminal cases and to appear in Court for the Crown, according to the practice of the English Courts.*

1788-1828

The first
Chief
Justice and
Attorney-
General.

This reform in the administration of the law was the result of an elaborate report made by a special commissioner—John Thomas Bigge—who was sent out in 1819 to report on “the state of the judicial establishments” and other matters in the colony. Early in that year the free settlers had sent home a petition in which they expressed their objections to the existing method of administering the criminal law, and prayed for some measure of reform. Their objections—as stated by Bigge—were principally these:—

Bigge's
Report
on the
Judicial
Establish-
ments.

1. The combination in the person of the Judge-Advocate of the duties of a magistrate (who commits the prisoner upon investigations conducted by himself), of prosecutor, of jurymen, and of judge.

The Judge-
Advocate.

2. The military character of the Court, to the members of which there is no right of challenge, and from whose decisions there is no right of appeal; the military title of the presiding member [Judge-Advocate]; and the occurrence of cases wherein the accuser was a member of the Court.

The Military
Court.

3. The general unfitness and incapacity of a Court so constituted to administer impartial justice to the free and respectable population of the colony, or to command their respect; the repugnance of its forms and proceedings to the feelings of the petitioners as Englishmen, and to the institutions of their native country.†

Public
opinion.

* A Court called the Supreme Court of Civil Judicature was established in 1814, the first Judge of which was Jeffrey Hart Bent, who arrived in that year, and was summarily removed by Governor Macquarie two years afterwards. Bent's brother, Ellis, came out as Judge-Advocate with that Governor in 1809, and died in 1815. The last Judge-Advocate was John Wylde, who came out in 1816. He was appointed a temporary Judge of the Supreme Court in 1824, and left the colony in the following year.

† Report of the Commission of Inquiry on the Judicial Establishment of New South Wales and Van Diemen's Land, p. 19. In his Report on the State of Agriculture and Trade in New South Wales, Bigge stated (p. 80)

1788-1823 The first of these objections—which was described by the Commissioner as “the principal and most popular” of all—was so forcible that nothing could be urged in reply to it; and he was consequently obliged to recommend the appointment of an Attorney-General, “whose duty it should be to receive all depositions from the magistrates, to prepare indictments, and to conduct prosecutions.” As to the other members of the Court, the Commissioner was not at all clear that the military jury could be replaced by a better one. While admitting that several of the officers “are frequently too young for that duty,” he maintained that “the character, qualifications, and sentiments of the higher ranks of officers are superior to those of the best selected juries in England, and greatly so to those who might be selected for such a duty in New South Wales”—p. 35; and after a lengthy discussion of the subject, he arrived at the conclusion that “the period is not yet arrived at which the system of trial by jury can be safely or advantageously introduced into the civil and criminal proceedings of the colony”—p. 40.

Appointment of Attorney-General recommended.

Superior quality of military jurors.

Character of Bigge's Report.

It was on the recommendations contained in this Report that the Government framed the Act of 1823, giving the colonists the forms of English procedure, but still withholding the substance. Bigge's Report appears to have been written mainly for the purpose of providing the Government with certain specific reasons for continuing the system of which the colonists complained so often and so persistently. When, for instance, he stated that the military jurors in the colony were superior to the best selected jurors in England, he knew that no one in that country would listen to such an argument in support of a proposal to substitute military juries there for the existing system. If it was no argument in England, it was none

that the total number of inhabitants in the colony in 1820 was 23,939; of whom 1,307 persons had come free; 1,495 had been born in the colony; 159 had been absolutely pardoned; 962 had been conditionally pardoned; 3,253 were free by servitude and expiration of sentence; 1,422 held tickets of leave; 9,451 were convicts; 5,608 were children; and 220 were serving on board colonial vessels.

in New South Wales; the simple question being, whether the colonists were entitled to trial by jury according to the laws of England. 1788-1828

For some years before the Chief Justice arrived in the colony, the pressure of business in the Judge-Advocate's Court led to a curious modification of the original practice. Owing to the increase of crime, the judge, according to Wentworth, found himself unable to dispose of all the cases, civil and criminal, set down for hearing in his Court; and business was therefore distributed in the following fashion:—offenders already under sentence were dealt with in a summary manner by the benches of magistrates and the Superintendent of Police; while the Judge-Advocate reserved himself for respectable cases, the persons brought before him being either free persons or emancipists. The convicts were punished

Business in
the Judge-
Advocate's
Court.

Summary
jurisdiction
reserved for
convicts.

either by transporting them to the Coal River, by putting them in the gaol gangs, by sending them (if they happen to be females) to the factory, or by simply ordering them corporal punishment, unless they are charged with murder, or some capital felony; and even in this latter case, they [the magistrates] frequently inflict some summary punishment.*

Modes of
punishment.

This system meant trial by Court-martial for free settlers, and summary punishment for convicts.

* Description of New South Wales (1819), pp. 232-3. Wentworth gives another illustration of the manner in which the criminal law was administered in his time. The herd of wild cattle found at the Cowpastures in 1795 had been left to increase, under the impression that they would ultimately stock the country with cattle. At the time Wentworth wrote, they had disappeared, and he accounted for the fact by the "exterminating incursions of numerous poor settlers who had farms in the neighbourhood," and who supplied themselves with fresh meat by a raid on the Cowpastures, in the fashion of Scott's Highland borderers. Every possible effort was made to suppress this kind of robbery, but without any success. For a long time it was thought beyond the power of the Courts to hold the robbers in check; because although the cattle were originally the property of the Crown, they had subsequently become intermixed with cattle belonging to private owners, the result being that it was impossible to identify any particular animal. On trials for cattle stealing, evidence of identification was required by the Judge-Advocate who administered justice from 1809 to 1815, and without sufficient evidence on that point, he would not convict; but his successor, who held office from 1816 to 1824, dissented from his ruling on that point, and would not be bound by it. Convictions then became easy.—*Ib.*, pp. 50-51.

1788-1828 From the foundation of the colony to the year 1824, when the Supreme Court began its sittings with Francis Forbes as Chief Justice, every criminal trial in the colony took place, or was supposed to take place, before the Judge-Advocate and the six officers who sat with him. The system on which the administration of justice was conducted during that period would form a curious chapter in the history of English law. Writing in 1819—when the country was comparatively prosperous and largely populated, numbering many free settlers among its inhabitants—Wentworth wrote of the Judge-Advocate's Court as follows—p. 365 :—

Regimental
juries.

Went-
worth's
opinion.

The bare appearance of this tribunal has long been odious and revolting to the majority of the colonists. It is disgusting to an Englishman to see a culprit, however heinous may be his offence, arraigned before a Court clad in full military costume ; nor can it indeed be readily conceived that a body of men, whose principles and habits must have been materially influenced, if not entirely formed, by a code altogether foreign to the laws of this country, should be able on such occasions to divest themselves of the soldier and to judge as the citizen.

If the appearance of the military Court was disgusting to Wentworth—who at the time he wrote was reading for the Bar in London—it seems to have made a similar impression on the Chief Justice, when he found himself administering the law of England in the new Supreme Court with seven officers, in full uniform, serving as jurors. A criminal trial could not take place in his Court without a military jury ; but as the law provided that Courts of Quarter Sessions should be held, without specifying the kind of jury to be empanelled in them, Forbes determined that the common law should fill up the gap left by the statute. A rule *nisi* for a mandamus was accordingly directed to the magistrates, requiring them to show cause why they should not proceed to the trial of crimes and misdemeanours according to the law and practice of England. The rule was argued by the Solicitor-General for the magistrates and the Attorney-General for the other side ; and judgment

The Chief
Justice and
the common
law.

was given by the Chief Justice in favour of the common law. His ruling held good until the second Constitution Act came out in 1828. It was then found that the military juries were to be continued as before, in Quarter Sessions as well as in the Supreme Court; and thus Forbes found his well meant effort to introduce trial by jury quietly extinguished. 1788-1828
His ruling
set aside.

No stronger condemnation of the military system could be imagined than that implied in the course he had adopted. It amounted to a public declaration that although he could not grant prisoners on trial in the Supreme Court a jury of twelve good men and true, he would avail himself of a loophole in the Constitution Act for the purpose of securing it at the Quarter Sessions. That Act, by the way, had been drafted by him, under instructions from the Home Government, before he came out to the colony, and he may consequently be supposed to have understood its intention. For five years, from the time he issued the writ of mandamus to the day when the second Constitution Act became law in the colony, a jury of twelve, empanelled according to the practice of the English Courts, heard and determined every case brought before the magistrates at Quarter Sessions. The contrast between the trials in that Court and those in the Supreme Court, where the Chief Justice sat with a military jury, furnished a spectacle which had never been witnessed before in the British dominions. Fiat justitia.

Juries of
twelve at
the Sessions.

It is necessary to glance at the course of events in this direction up to the period when trial by jury was thus let in at the back door, in order to appreciate the character of the system which the adventurous Chief Justice endeavoured to break down. The language used by Wentworth with respect to it was very emphatic; but it was language which would naturally rise to the lips of an Englishman when confronted with a method of administering justice which seemed to violate every principle of English law. To secure a just and impartial verdict on a criminal trial, where the power of the Crown is arrayed against the prisoner at the History in
perspective.

1788-1828

Judge and
jury independent
of the Crown ;and of each
other.

bar, it was held essential in England that both judge and jury should be independent of it; but in the Judge-Advocate's Court, both were in its pay, dependent on it for promotion and liable to removal by it at any moment. It was also considered essential that the judge and the jury should be independent of each other; each having a separate province, one for questions of law, the other for questions of fact. But in the Judge-Advocate's Court, both sat together and deliberated as one body over questions of law and fact; so that while the jurors were liable to be unduly influenced by the judge, he in his turn was in danger of being induced to modify his own opinion in deference to theirs.*

No connection
between
judge and
prosecutor.

A third principle recognised in English practice was that the judge and the prosecutor should know nothing of each other; and that so far from the former being in any manner identified with the prosecution, or being supposed to have any concern in it or any leaning towards it, he was, by a pleasant fiction of law, habitually regarded as of counsel for the prisoner. But in the Judge-Advocate's Court, the judge and the prosecutor were practically one and the same person; for although it was usual to leave the conduct of simple cases in the hands of the person who made the charge, the indictment was drawn up by the Judge-Advocate, and the evidence to support it had to be considered by him before he could determine whether or not a prosecution ought to take place. A fourth principle which regulated the practice of the English Courts required that the established rules of evidence should be adhered to and applied in all cases; and for that purpose it was the especial function of the judge to see that those rules were strictly observed, and that no question was asked or

Rules of
evidence.

* Judge-Advocate Wylde, speaking in 1824, described his position in the following terms:—"The Judge-Advocate is only one of the seven jurors who compose, and have committed to them as a Court of Record, the whole jurisdiction as to law and fact, determining both, it is known, by the opinions of a majority of its members. The Judge-Advocate has in truth no especial or other power than any other juror of the Court."

answered, and no evidence allowed to go to the jury, 1788-1828 which was not technically admissible according to the reported rulings of the judges. But in the Judge-Advocate's Court that principle was altogether ignored, because the judge, not being a lawyer, could not know anything about the law of evidence. There was consequently no means either of checking the admission of evidence which would have been held inadmissible in England, or of presenting it to the jury in such a shape as would have enabled them to discriminate between truth and falsehood, to gauge the credit of a witness, and to arrive at their conclusion by some better process than that of mere conjecture.

Verdicts by
rule of
thumb.

There was a still more characteristic principle which was not recognised in this Court. The law of England abhorred secrecy in the administration of justice, and the most essential of all features in a trial was that it should be public. The accused was entitled to hear every word that was alleged against him in evidence, or urged against him either in the addresses of counsel or the remarks of the judge. But in the Military Court the Judge-Advocate and the other members "retired to an adjoining room," when the evidence was closed, in order that they might discuss the various questions of law and fact that had arisen during the hearing of the case. Neither the prisoner nor the public knew anything of what passed while the discussion was going on, and consequently there was no opportunity for correcting mistakes or removing misapprehensions. The practice on these occasions is described in Bigge's Report as follows, p. 13 :—

Trials in
England
public,

not public
in the
colony.

The members had here an opportunity of discussing the questions that had arisen, of hearing the opinion of the Judge-Advocate, and of deciding upon their verdict and sentence. Upon their return to the Court, the Judge-Advocate resumed the open consideration of the case, made reference to the questions of law and fact that had already been decided by the Court, and in doing this he sometimes read the evidence from his notes.

Practice
in 1820.

1789 The impression made upon Bigge's mind by this method of conducting a trial, may be seen in the suggestions for its improvement which he felt called upon to make:—

Bigge's
suggestion.

I suggested to the Judge-Advocate the expediency of summing up the evidence from his notes in the form of a charge, and of stating all questions of law and fact, as well as his own view of them, to the members of the Court before they retired, in the presence of the prisoner and the public.

First public
trials.

The object of that suggestion was to give the proceedings the appearance of a public trial. The Judge-Advocate was good enough to take the hint, and from that time—1820—he ceased to retire with the other members until he had said all that he had to say in public. It was the first time for thirty-two years that the Criminal Court had been ventilated; and some credit is due to Bigge for having let in the fresh air of public criticism on its proceedings.

Civil
officers.

In criticising the constitution of this Court, Wentworth asked, "What motive existed for excluding the civil officers? Were they either less competent to be members of a Court whose decisions ought to be founded solely on the laws of England, or were they less respectable than the military and naval?"* They were not excluded for either reason; but simply because, the Court being virtually a Court-martial, civil officers could not properly have a seat in it. Nor would it have mended matters in the least if they

Servants of
the Crown.

had not been excluded. The Court would still have been open to the same objections, seeing that civil officers were just as much under the influence of the Crown as military and naval men; they were appointed by it and removable by it. Moreover, their presence in such a Court would have been objectionable for two reasons; first, because they would have felt out of their element in it; and secondly, because while the military members would necessarily have had some knowledge of the law and practice of their own tribunals, the civil officers would have had none; and it

Objection-
able
mixture.

* Description of New South Wales (1819), p. 364.

is obviously better that a Court, whatever its constitution, should be composed of men who understand their business than of men who do not. As to the decisions of the Court being founded solely on the laws of England, that was true only in the sense that the laws were to be interpreted and applied according to the practice of the Courts-martial. The plain fact was that, to all intents and purposes, the colony was placed under martial law, in the manner of a disturbed district; and the laws of England—as we understand them—were not in force within its borders until the practice of the Courts at Westminster was substituted for that of the military tribunal.

1789

The red coat
meant mar-
tial law.

The method of trial established by the Act of 1787 might be very fairly described in the language applied by Burke to the trial of American rebels in England under an Act passed during the War of Independence, founded on a statute of Henry the Eighth providing for the trial in England of treasons committed out of the realm. By that Act, wrote Burke in his letter to the Sheriffs of Bristol (1777)—“almost all that is substantial and beneficial in a trial by jury” was taken away from the American subject; “for to try a man under it is, in effect, to condemn him unheard. A person is brought hither in the dungeon of a ship’s hold; loaded with irons, unfurnished with money, unsupported by friends, where no one local circumstance that tends to detect perjury can possibly be judged of; such a person may be executed according to form, but he can never be tried according to justice.” It should not be forgotten that trial by military jury was not confined to convicts; all persons in the colony were subject to it. The free settler had no more privilege in that respect than the felon working in a chain-gang; the law being no respecter of persons.*

Historical
parallel.

Execution
without
trial.

* Holt’s report of the proceedings against him in the Judge-Advocate’s Court, in 1804, throws some light on the method of conducting business in it. —Memoirs, vol. ii, pp. 206–216. The terror excited among the convict population by the summary proceedings of the Criminal Court was so great that several instances are recorded of suicide having been committed in order to

1789

The six
marinesand Mary
Turner.Collins to
Campbell,
25 April:No proof
against her,but may be
tried if you
wish.

A singular case which occurred in 1789 serves to show how the administration of justice was carried on under this system. In March, of that year, six marines were tried on a charge of having robbed the public store of liquor and provisions, were found guilty and, of course, executed. The principal evidence against them was that of an accomplice; but there was another witness, a woman named Mary Turner, whose evidence was unsatisfactory to the members of the Court. After she had left the witness-box, the judge directed the Provost-Marshal to detain her in custody—presumably with a view to instituting proceedings against her for perjury. This matter gave rise to a warm correspondence between the Judge-Advocate and Captain Campbell, one of the jury, which soon after involved all the other officers, as well as Major Ross and the Governor, in an exciting discussion. The first letter of the series was addressed by the Judge-Advocate to Captain Campbell:—

I understand by the Provost-Martial, who has just been with me, that you imagined Mary Turner was in custody; I have to acquaint you that Mary Turner is forthcoming at any time she may be wanted, but that I myself have at present no thoughts of calling on her, as I do not think, on mature consideration, there would be sufficient proof to affect her, either as an accessory in the late business, or for perjury at the trial. However, if you are of a different opinion and wish to have her tried, she may be brought before the Criminal Court that is to assemble on Tuesday or Wednesday next. In such case, I should wish to have timely notice of the charge to be exhibited against her, and what witnesses are to be called to support it, that the necessary steps may be taken.

escape from the certain result of a trial. Thus Collins relates (p. 25) that in April, 1788, "an elderly woman, a convict, having been accused of stealing a flat-iron, and the iron being found in her possession, the first moment she was left alone she hung herself to the ridge-pole of her tent, but was fortunately discovered and cut down before it was too late"—! to try her. Those who did not take their own lives generally fled to the bush, where they perished miserably, or escaped death by starvation only by returning and giving themselves up. Many of the wild attempts to escape by sea were no doubt attributable to the same cause. The convicts in such cases were probably habitual thieves, unable to restrain their propensity for picking up other people's property, and frightened out of their wits when they saw the Provost-Marshal. One man was supposed to have been driven mad by fright; Collins, p. 80.

In the present day this would be considered a peculiar letter for a judge to write to a jurymen. It was evidently written in a most obliging spirit. Collins was under the impression that Campbell wished to prosecute the woman for reasons of his own, and although the judge could not see any ground for a prosecution himself, he was willing to oblige the would-be prosecutor by indicting her at the next sitting of the Criminal Court, to be held a few days afterwards. To appreciate the state of things disclosed in this letter, we should have to imagine a case occurring in the present day, in which a judge, acting also as a Crown Prosecutor, having satisfied himself that there was no foundation for a charge of perjury against a woman who had given evidence at a recent trial before him, had notwithstanding written a letter to a jurymen offering to lay an information and to have her tried before himself at the next sittings of his Court—with his friend in the jury-box. If we imagine, further, that such a letter had not only been written but published in the newspapers, there would be no difficulty in understanding the impression it would have made on the public with respect to the administration of justice. It is quite clear that the Mary Turner of 1789 was as much entitled to the protection of the English laws as any Mary Turner of the present day would be, in a similar case. But it is equally clear that, in the eye of the law as administered by her judges, she was not entitled to any more protection than might suit their own view of the matter.

1789

An obliging judge.

Exempli gratia.

Public opinion.

The Judge-Advocate's letter to Captain Campbell provoked a very different sort of reply from that which he expected. So far from reciprocating his kindly offer and expressing his grateful sense of the judge's condescension, the captain lost his temper and sent back a letter on the same day, as deliberately insulting as he could make it:—

An indignant jurymen.

In answer to your letter of this day, I have to say that I perfectly well remember, at the last Criminal Court held in this island, when Mary Turner was ordered to withdraw from the

Campbell to Collins:—

1789 Court, she was by yourself ordered into the custody of the Provost. I do not by this mean to say that it was entirely an act of your own, for myself among others desired it might be so, as we then appeared to be unanimously of opinion that she was a very proper object to make an example of.

A message
by the
Provost.

When the Provost informed you this morning of my having desired him to speak to you about the woman, he should have likewise informed you that I had, immediately after the Court was dissolved, and on my seeing the woman at liberty, desired him to make my compliments to you, and to know from you whether he had not misunderstood the orders you gave in Court—to take her, into his custody—as I had myself been one of the members who desired it; nor could I till this morning possibly account for my not having been acquainted with your opinion.

Duty to the
publick.

Having this morning, by accident, heard that a Criminal Court would be assembled the beginning of next week, I judged it a discharge of a part of my duty to the publick to know what was to be done with Mary Turner, sensible that no power on this island could liberate her till she had undergone a trial.

Provost
neglectful.

I therefore sent for the Provost, who, to my great surprise, had the assurance to tell me that he never delivered my message to you, upon which I ordered him to go and do it without loss of time.

Campbell
will never
sit again.

Now, sir, you have the cause of your being troubled with any message from me this morning. How far such a message might authorize you to call upon me as a prosecutor, I know not, nor shall I at present comment upon it. One point you have certainly gained by it, that you have effectually precluded Captain Campbell from sitting as a member of any Criminal Court that it may be necessary to assemble here, and of which you are a part.

Letters to be
carefully
copied.

As this business may undergo future investigation, I beg leave to recommend it to you to keep copies of such letters as you may choose to write upon the occasion, as I assure you I shall of mine. I at the same time think it proper to inform you that this is the only letter you will receive upon this subject.

There was some ground for the indignation expressed in this letter, but there was none for the display of so much bad temper. The writer was justified in resenting the idea that he might be called upon to undertake the responsi-

bility of a prosecution, but he should not have forgotten that he had placed himself in the position he complained of by communicating with the judge in an irregular manner. 1789
 If he conceived it a part of his duty to the public to ascertain what was to be done with Mary Turner, his obvious course was to wait until the Criminal Court was assembled, and then to make his inquiry in Court. His idea that no power could liberate her until she had undergone a trial, was a mistaken one ; because it was quite competent for the judge who had ordered her into custody to discharge her from it. Irregular communication.

The peculiar tone of Campbell's letter can be understood when we recollect the relations existing between him and Major Ross. They were personal friends before they left England, and the consciousness that he had the Commanding officer at his back is apparent throughout his correspondence. Knowing that the avowal of his determination not to sit again in the Criminal Court would be made known to the Governor, and that he would consequently be called upon for an explanation, he lost no time in taking up a safe position. Two days after he had written to the Judge-Advocate, he addressed Major Ross on the subject :— Behind the scenes.
Campbell to Ross :—
27 April.

As I have always understood that you are not in possession of any power to compel the officers of the detachment under your command to sit as members of the Criminal Court established in this colony, contrary to their own inclinations, I have to request that you will please to direct the adjutant, so as that my name may not for the future appear in your orderly book as a member of that Court, as I shall be extremely concerned to be reduced to the very disagreeable necessity of objecting to any order of yours, or any other my superior in command.

I am sensible it may be said of me that I have hitherto volunteered or acquiesced in being, in my turn, a member of that Court, from my being likewise sensible that in the present situation of this colony, such power could not, with any degree of propriety, be vested in any other hands but that of the navy and army. I have farther to say, that I would still continue the same line of conduct did I think it consistent with either my character as a Campbell acquiesces in his duty.

1789 gentleman or my feelings as a man. You were, yourself, an ear-
 27 April witness of the message sent by me by the Provost to the Judge-
 Advocate on the 25th instant, to which message I very soon after
 Position of the Judge- Advocate. received the enclosed (in my opinion) most insulting letter. I had
 ever been taught to understand that the person officiating in his
 character at such Courts, was the person to carry on the prosecu-
 tion. How far, or even, how it was possible for him to construe
 my message into a belief that I was become the prosecutor I know
 not, nor can I possibly imagine why he should call upon me indi-
 Sanguinary persecution. vidualy for that purpose, as in his letter he certainly does, unless
 that he had some reason to suppose me of a more sanguinary and
 persecuting spirit than any other member of the Court, who
 wished the woman to be taken into custody for her having
 (evidently to all then present) perjured herself. The consequence
 of not using every possible means to prevent so dangerous a crime
 from getting to a head among the present inhabitants of this colony
 is too obvious to require any farther remarks upon it, and I am
 convinced that the wish of exerting every means in their power
 to prevent it, was the motive of that Court for desiring the woman
 to be taken into custody.

With the Judge-Advocate's letter, I take the liberty of inclosing
 for your perusal the copy of my answer to him, with the humble
 request that you will please to communicate the whole to the
 Governor, to the end that he may be convinced that I never had,
 Appeal to the Governor. nor ever will have, a wish or desire of impeding the publick service,
 and I have no doubt but that both him and you will do me the
 justice to say that I have used every means to promote it.

As I have no copy of any of the papers now sent to you, I
 request that you will please not to part with any of them unknown
 to me, or without my consent.

Campbell's remark with respect to the position of the
 Judge-Advocate shows clearly how it was regarded in the
 colony at that time. "I had ever been taught to understand
 The Judge- Advocate essentially a prosecutor. that the person officiating in his character at such Courts
 was the person to carry on the prosecution." That was
 undoubtedly the case, according to the practice in Eng-
 land; and the appearance of a Judge-Advocate on the bench
 might well have occasioned surprise to those who had seen
 a Court-martial sitting in the old country. Familiar as

Campbell and his brother officers were with the practice there, they probably felt something more than surprise when they saw the prosecutor actually installed as the judge; and if his objection to take part in the proceedings of the Court had been grounded on a protest against the violation of principle involved in them, it would at least have been creditable to his sense of justice. But there is nothing to show that his conduct in the matter was influenced by any such consideration.

1789

27 April.

Ground for
a protest.

If the captain looked to his superior officer for support, Collins also had a powerful friend to whom he could appeal in time of trouble. The offensive language used by the former, coupled with his flat refusal to sit again in the Criminal Court, made such an impression on the judge that he wrote to Phillip on the day the hostile letter reached him. He thought it as well to lose no time in placing the Governor in possession of the facts from his own point of view—especially as he foresaw that Campbell's intimation with respect to his sitting in the Criminal Court would be certain to set his excellency in motion.

Collins to
Phillip :—

Having this day received a message from Captain Campbell respecting Mary Turner, one of the evidences on the late trial of the soldiers for robbing the store-house, I beg leave to lay before your excellency the following particulars of that affair :—

It appearing to the members of the Court, as well as to myself, on the examination of the said Mary Turner, that she had not sworn the truth in giving her testimony, on her being told to withdraw, the Provost-Martial was ordered to detain and keep her apart from the other witnesses. The conviction and condemnation of the six prisoners very shortly followed, and the Court dissolved.

Perjury.

On maturely weighing and considering the whole of Mary Turner's depositions, and comparing it with those of the other witnesses, since the trial, I was of opinion there was not sufficient proof to affect her on an indictment for perjury; and as I have always wished to avoid lightly grounding a prosecution against the convicts, from the bad effect it might have—in pointing out to them how far they might offend if they but withhold sufficient proof—I had dropped, for the present, any thoughts of calling on Mary

No case.

Prosecution
abandoned.

1789 Turner for trial ; neither have I at any time since then heard it
 25 April. was the opinion or wish of any member of that Court to bring her to trial until this morning, when I was informed by the Provost-Martial that Captain Campbell, one of the members of the late Court, had enquired of him if she was in his custody, and expressed some surprise and anger on being told that she was not. As to this latter circumstance, I must observe to your excellency that, having no place of confinement or custody for female offenders, they have always been suffered to go at large until wanted for trial.

Campbell
 inquires
 about it.

Prosecution
 revived,

In consequence of the above message, I wrote to Captain Campbell a letter, wherein I informed him "that I did not think myself there was proof sufficient to bring her to trial, either for perjury, or as an accessory ; but, nevertheless, if he was of a different opinion, and would let me know what charge should be exhibited against her, and what witnesses could be brought to support it, it should be done"; for as I did not myself know of any proof sufficient to establish a charge against her, I was not certain but Captain Campbell might be informed of some that I was unacquainted with. I beg leave to trouble your excellency with a copy of my letter, and of Captain Campbell's reply, which I received this afternoon ; and have now only to add that, though I think the conviction of her being guilty of perjury may be clear in the breast and opinion of every individual of the late Court, yet still there is not sufficient proof of it to convict her in the eye of the law ; nevertheless, as Captain Campbell considers her as a prisoner by order of the late Court, and thinks she ought to be delivered by a due course of law, I propose to bring her before the Court that is to assemble in the next week, and try her on a charge of wilful and corrupt perjury at the late trial.

to please
 Campbell.

Vacillation.

How lightly the sense of judicial responsibility weighed upon Collins is apparent from the concluding sentence of his letter. He repeats his opinion that there was not sufficient evidence to justify a prosecution ; but, nevertheless, because Captain Campbell thought she ought to be prosecuted, he proposed to bring her before the Court in the following week on a charge of wilful and corrupt perjury. Such an intimation appears to imply that, as he was prepared to waive his opinion so far, he would not object

to waive it at the trial. By bringing the prisoner before the Court on an indictment drawn by himself, he would have given its members to understand that in his opinion there was a case against her; but if it had become known that the prosecution had been instituted by him in deference to Captain Campbell's views, in what sort of position would he have placed himself? The excitement of the discussion seems to have blinded him to the obvious interpretation of his act; for evidently he did not see that it laid him open to a charge of trifling with the jury, playing with the prisoner's life, and exhibiting a degree of weakness in the discharge of his duty, both as a prosecutor and a judge, which would render it difficult to place any confidence in his administration of justice. There is no reason to doubt his purity of intention; the case against him is that, not being sufficiently mindful of the responsibility attaching to his position, he weakly yielded his opinion at the first appearance of pressure; forgetting that in such circumstances weakness becomes iniquity.

1789

25 April.

Self-con-
tradiction.

Want of
moral
courage.

A review of these proceedings gives rise to a suspicion that the functions of judge and prosecutor may have been improperly combined in the same person, through a misinterpretation of the Act and the Letters Patent by which the Court was established. It is clear that Collins looked upon it as part of his duty to act as prosecutor, and there is no doubt that he acted as judge when the Court sat. If, for instance, he had carried out his intention to bring Mary Turner before the Court, he would have prepared the charge and collected the evidence for the trial; and when the trial came on he would have examined the witnesses and addressed the Court, at the same time taking notes, arguing questions of law and fact, and finally, passing sentence after conviction.* In addition to all that, he

Misinter-
pretation of
the Act.

Tria juncta
in uno.

* "The Judge-Advocate is the judge or president of the Court; he frames and exhibits the charge against the prisoner, has a vote in the Court, and is sworn, like the members of it, well and truly to try and to make true deliverance between the King and the prisoner, and give a verdict according to the evidence."—Collins, p. 11.

Intention
of the
Legislature.

1789 would have retired with the jury and given his vote as one of them. A Court so constituted presents such a violent contrast with an English Court of justice, that one is tempted to ask whether it was really the intention of the Legislature that law should be administered in that fashion. So far as its express words are concerned, there is little or nothing in the Act to show that the Judge-Advocate was intended to perform any other duties than those which belonged to his office in England. That the regimental or garrison Court-martial was taken as the model of the Court is shewn by the persons appointed to compose it; and it is a fair inference, therefore, that it was intended to follow the usage of such Courts.*

No precedent for such a Court.

If, on the other hand, it was intended that the practice of the Court-martial should not be followed as regards the functions of the Judge-Advocate, but that a Court should be created of an entirely novel character, it is reasonable to suppose that the intention would have been more clearly expressed than it was. It is difficult to believe that Parliament intended to introduce a method of administering justice for which there was no precedent, which had nothing to recommend it in the shape of convenience, and which would naturally provoke suspicion as to its impartiality. But whatever conclusion may be come to on this

* Speaking of the regimental Court-martial, Tytler says (p. 177) :—"The usual practice is to appoint a captain as president and four subalterns." If Phillip had thought fit to appoint a president whenever he convened the Court, there was nothing in the Act to prevent him; and he might have reasonably come to the conclusion that the usage of the Court-martial should be followed as far as it was practicable. As a matter of fact, it was followed in several points—as, for instance, (1) the keeping of a roster by the adjutant; "it is customary in every regiment for the adjutant to keep a regular roster for their instruction in this as well as in all other regimental duties"; (2) the presence of the officers in Court in full uniform, and (3) the order in which the votes were given—"the youngest members of the Court being required to give his opinion first, and the rest following in progressive seniority up to the President, who votes last;" *ib.*, p. 152; Tench, *Narrative*, p. 70. These rules were adopted without any express instructions, and they show that the Court was guided in its practice by the usage of the Court-martial. It might also have been argued that the use of the term Judge-Advocate in the Act, without any words of definition as to his duties, implied that it was intended to mean in the colony what it meant in England; just as the word Provost-Marshal was interpreted on the same principle.

point, the fact that no care was taken to prevent misconception on the subject, is a singular instance of the negligent manner in which the business was conducted. The Act and Letters Patent were so worded as to bear the interpretation put upon them by Collins; they were equally open to a very different construction. Putting that question aside, something might have been done to make their provisions known to the officers concerned before they left England. As it was, two only of them had seen the Act before the Fleet sailed. The others made their first acquaintance with it when it was read out at the proclamation of the colony. The Judge-Advocate being the only person in it holding a legal appointment, every question of the kind was left in his hands; and it is not surprising if, without any experience or training to fit him for his task, he so interpreted the Act as to place himself in the extraordinary position of a judge, a prosecutor, and a juryman combined.*

1789

Ambiguity
of the Act.

Marine law.

* The constitution of the Criminal Court was strongly condemned in the Report of a Committee of the House of Commons, published in 1812. Referring to the evidence given by the witnesses examined on the subject—among whom were Governor Hunter and Governor Bligh—the Report said :—“Your Committee have to observe that all the evidence examined on the subject, unequivocally condemns the manner in which the Criminal Courts are thus established . . . Your Committee are of opinion that the manner of administering criminal justice may be altered with great advantage to the colony. It is not to be expected that the inhabitants should view, otherwise than with jealousy and discontent, a system which resembles rather a Court-martial than the mode of trial the advantages of which they have been accustomed to see and to enjoy in their own country.”

THE CIVIL AND THE MILITARY.

1789

5 June.

Question
raised by
Campbell's
letter.

A MUCH more serious question than the case of Mary Turner presented itself to Phillip's eyes when he read the correspondence between the Judge-Advocate and Captain Campbell. The latter having distinctly declined to sit again in the Criminal Court, and having also appealed to Major Ross as his authority for the view he had taken of his duty in that matter, it became necessary to settle the question at once. If the other officers should follow his example, no Court could be held and there would be no means of dealing with offenders. The course taken by Phillip will be seen in the following passages of his despatch to the Under Secretary of the Admiralty, dated 5th June, enclosing copies of the correspondence for the perusal of their lordships:—

Course
adopted by
Phillip.

After having pointed out the authority by which the Criminal Court was established, how much it was the officers' duty to sit as members of that Court when called on, and the obvious necessity of it, I informed Major Ross, as I had done the day I first heard of the business, that the Judge-Advocate had declared in the most solemn manner that he never had intended any offence to Captain Campbell by his letter; and as I saw no reason for that officer's refusing what was most undoubtedly a part of his duty, I desired that he would think seriously of the consequences. The precept for assembling a Criminal Court was ready to be issued as soon as the names of the officers were inserted who were next for that duty, and if Captain Campbell should persevere in refusing that duty, I desired to have his reasons in writing.

Suaviter
in modo;

It will be seen from this statement that Phillip's first effort was aimed at conciliation. He had seen Collins before taking any step in the matter; and having learned

that the judge's letter was not intended to convey the offensive meaning attributed to it by the captain, he informed Major Ross accordingly, in order that his friend's sense of injury might be removed. At the same time he was quite prepared to deal firmly with him, and for that purpose requested to have a statement in writing of his reasons for declining to sit. The Major then undertook to see his friend, the result of their consultation being another visit to the Governor:—

1789

5 June.

fortiter
in re.

Major Ross soon after brought me a letter, and as he told me Captain Campbell was fixed in his opinion that the sitting as a member of the Criminal Court was no part of his duty, and which he therefore declined, I desired that the officer next on the roster for that service might be named in his room; but Major Ross said that he did not see how that could be done, as he believed I should find the officers in general of opinion that the sitting of members of the Criminal Court was not a duty to which they were obliged to submit, but a service in which they had volunteered, and added—"That he knew of no articles of war to compel them."

Ross's representations.

The letter brought by the Major was the one he had received from Captain Campbell, and which he did not think fit to produce at his first interview with Phillip. It raised the question whether there was any power, outside the Commanding officer, to compel officers of the detachment to sit as members of the Criminal Court against their inclination. Here we get an insight into the reasons of the Major's opposition. He objected to his officers being ordered to do duty by any other hand than his own. He had heard the Act of Parliament read, and consequently knew that it authorised the Governor—or in his absence the Lieutenant-Governor—to convene the Court from time to time; but, nevertheless, he would not admit the force of it, and did everything in his power to induce his men to resist the Governor's exercise of authority over them. This interpretation of his conduct is suggested by the opening lines of Campbell's letter, which plainly imply that, if the officers should choose to resist, the Major admitted that he

Official
jealousy.

1789 could not compel them; and if he could not, how could
5 June. any one else? In his own words, he knew of no article of war to compel them.

Court duty
disliked.

I had been given to understand, soon after the Commission for establishing the Criminal Court had been read, that the officers thought it a very disagreeable duty, and that it was looked on as an hardship by some, but I never had supposed officers thought it a service which they were at liberty to decline at their pleasure; and I observed to Major Ross that I could hardly believe it possible that such an opinion was general, but which would be known as soon as the precept for assembling the Court should be issued.

Ross
demands an
inquiry.

At the same time, being desirous to restore tranquillity if possible. I consented to the demand then made by Major Ross, that a Court of Inquiry might be ordered to give an opinion on the Judge-Advocate's letter before the precept was issued; and after having pointed out the consequences that must follow the officers refusing what was so necessary a part of their duty, and which, being declared such by an Act of Parliament require no articles of war, or particular instructions to the Commandant of the detachment, I assured him that while there were ten men in the detachment, officers should not be wanting to form a Criminal Court.

Judicial
opinion on
a letter.

Phillip could not have given a stronger proof of his desire to restore tranquillity than he did when he consented to Major Ross's demand, that a Court of Inquiry should be ordered to give an opinion on the Judge-Advocate's letter. The idea of a Court of any kind being ordered to give an opinion on a letter was so absurd that he might well have dismissed it with very little ceremony—especially after he had taken the trouble to communicate the judge's assurance that he was innocent of any intention to give offence. But to show that his concession on that point was not weakness, he assured the Major that "while there were ten men in the detachment, officers should not be wanting to form a Criminal Court"; in other words, if there were only ten men left among the marines, he would make six of them officers and summon them to attend the Court. That was

Concession
not weak-
ness.

a hint which there was no mistaking ; it was plainly intended to mean that the Governor would not allow himself to be thwarted in the performance of his duty. 1789
5 June.

The Court of Inquiry which was ordered to meet on the Judge-Advocate's letter, to which Captain Campbell had taken offence, having reported that they did not think themselves competent to judge of the matter laid before them [as it was a private disagreement, which appeared to involve in itself a point of law], that Court was dissolved, and Major Ross came to inform me that Captain Campbell would protest against the report, which he said was a partial report in stating that the matter before them was of a private nature, and desired that the request made by the members of that Court for copies of the letters laid before them might not be granted. Captain Campbell declined afterwards making any protest against the proceedings of the Court of Inquiry, and copies of the letters, which they thought necessary in order to justify their proceedings to the Admiralty, were given them. Case
shelved.

Campbell
dissatisfied.

The decision of the Court of Inquiry was exactly what might have been expected. The contention raised by Campbell as to the duty of officers in relation to the Criminal Court was not submitted to the Court of Inquiry ; it was merely asked to pronounce an opinion on the merits of a certain letter. It is not easy to see what would have been gained even if the Court had expressed an opinion on the subject, seeing that it could not have touched the main question at issue. The pertinacity with which Ross held on to the captain's quibble showed itself much too plainly when he went to inform the Governor that " Captain Campbell intended to protest against the report on the ground that it was partial." The idea of a protest under such circumstances was even more absurd than that of a Court solemnly sitting to report on a letter. The Major does not seem to have felt any scruple in showing that he looked upon Campbell's quarrel as his own, since he did not object to become the bearer of messages between him and the Governor. Ross's perti-
nacity.

The adjutant of the detachment had my orders to give the Judge-Advocate, as usual, the names of the officers who were

1789 next for the duty of the Criminal Court, as soon as the Court of
 5 June. Inquiry had made their report ; but he then came to inform me that Major Ross did not choose to let him give the names of the officers at the Judge-Advocate's request ; and desired that it might appear in general orders, or that a verbal message might be sent him from me. The message was sent, and in the names given to the Judge-Advocate Captain Campbell's appeared, and he sat the next day as a member of the Criminal Court.

The Judge-Advocate slighted.

Summoning the jurors.

This was a flank movement of the Major's, intended to humiliate the Judge-Advocate in the eyes of the Governor and the detachment, by showing that his authority to collect the names would not be recognised by the Commanding officer. Up to this time it was the judge's duty to send to the adjutant for the names, and on receiving them to prepare a precept for the Governor's signature. It was not very consistent with the dignity of his judicial office that he should be employed in summoning the jurors to attend his Court ; but the duty was imposed upon him either because he was the only person on the establishment who was supposed to have a knowledge of legal forms and proceedings, or because he usually acted as secretary to the Governor ; or possibly for both those reasons. When the precept was signed and sealed, it was handed to the Provost-Marshal, whose duty it was to show it to the officers concerned a day or two before the date fixed for the sitting of the Court ; the names being also inserted in the battalion orders of the day. The senior officers of the navy were always called upon to serve, when any King's ship happened to be at anchor in the harbour.

Another concession.

Still desirous of conciliating Ross and his friend as much as possible, Phillip consented to this further exaction on his part, although it involved a slight to the Judge-Advocate from which he should have been protected. The message required by Ross was sent from the Governor to him, but Campbell's name was inserted in the list of officers called upon to serve ; and when the Court sat on the following day, he appeared and took his seat as quietly as if nothing

had happened. He was not prepared to try conclusions with the Governor when it came to the point. There can be no doubt that he knew his duty under the Act quite as well as any of his brother officers; and that the position he took up on the matter was a foregone conclusion between him and the Major. Phillip explained his views on that point as follows:—

1789

5 June.

Campbell surrenders.

As no legal inquiry into the conduct of any officer could be made here, and as Captain Campbell was the only officer who could be called on to sit as a member of the Criminal Court who did not think it a part of his duty, I judged it best, for the quiet of the settlement, to let him sit as a volunteer when his name was returned.

In order to satisfy himself as to the actual state of opinion among the officers on the main question at issue—for up to this point Phillip had nothing before him but Campbell's letter and Ross's verbal statements—he determined to see some of them personally on the subject.

Phillip sees the officers.

I had sent for several of the officers before the Court met, in order to point out to them the consequences which would follow their refusal of so essential a part of their duty; and the officers I saw on that occasion assured me that they had never doubted its being a part of their duty after they heard the Act of Parliament and the Commission read which established that Court. But Major Ross afterwards, on the 6th May, telling me that he was still of opinion that many of the officers did not think the sitting as members of the Criminal Court any part of their duty, I desired that he would assemble the officers that their separate opinions might be taken on that head.

Their statement.

Officers to be assembled,

The Major was not prepared to give way even when he found that the officers generally did not agree with him, and was injudicious enough to put the matter to a final test by taking their opinions formally in writing. Phillip sent special instructions to him by the adjutant for this purpose, worded as follows:—

and examined.

The Governor requests that Major Ross will assemble the officers of the detachment now at head-quarters and report to him their separate opinions, whether or not they think it their duty to

1783 sit as members of the Criminal Court established in this country.
 6 May. This the Governor desires as Major Ross, their Commandant, is of opinion they do not think it a part of their duty. Captain Campbell having already given his opinion, the Governor does not wish to press him further on that head.

Thereupon—the date of this proceeding was the 6th May—the Major assembled the officers and put the question to them one by one :—

Question put ; Whether they look upon sitting at the Criminal Court as a military duty or an extra duty in compliance with an Act of Parliament, and whether they had any knowledge of it before their arrival in this country ?

not the right one. That was not the question which the Governor had desired to be put. He wanted to know whether the officers considered it their duty to sit ; not whether they looked upon it as a military or an extra duty—a point in which he was not in the least concerned. Anticipating a defeat, the Major appears to have drawn this distinction so that those officers whose consciences would not allow them to take his view of the matter, might still have the appearance of supporting him. If they answered the question as he put it, they would say that they looked upon the Court business as an extra duty, and he would then be able to raise some further contention with Phillip.

A road for retreat.

Captain Tench Thirteen officers were present and recorded their answers ; the first on the list being Captain Tench, who expressed himself as follows :—

answers the question. I had no knowledge of the Act of Parliament previous to my arrival in this country ; from the moment I read it I looked on it as Captain Tench's duty to sit on Criminal Courts whenever ordered, and still look on it as such.

The others answered to the same effect ; all agreeing that since they had heard the Act of Parliament read, they considered it their duty to sit as members of the Criminal Court whenever ordered. There were only two of them who had seen the Act in England. None of them took any notice of the distinction put before them in the question

between "a military duty" and "an extra duty in compliance with an Act of Parliament"—a refinement to which its author apparently attached some importance. 1780
6 May.

The result was, therefore, that the Major did not find a single supporter among them—a fact which enables us to understand the secret of Campbell's opposition. The matter was too simple to admit of any doubt about it all; and if it was clear to the subalterns, it may be inferred that it was equally clear to the Captain and the Commandant. Minority
of one.

So far as this question was concerned, there was no room left for further discussion; but another and very different one, which assumed the undignified appearance of a squabble, broke out immediately afterwards. Some one was kind enough to report to Phillip certain unguarded expressions with reference to his conduct which had been made use of by Ross when addressing the officers at the meeting. How this complication came about, and what was done in consequence of it, was explained by Phillip in his letter:— Another
bone to pick.

Being sometime after informed that the officers had been assembled and the Governor's conduct in calling on Captain Campbell to sit as a member of the Criminal Court had been stated to them by Major Ross as oppressive, and that endeavours had been used to induce them to join in Captain Campbell's opinion "that the Criminal Court was not a part of their duty," I then thought it necessary to enquire what grounds there were for such a report; and the first officer I spoke to on the subject doubting of the propriety of saying what passed at a meeting to which he had been called by his Commandant, I directed the Judge-Advocate to send for some of the senior officers then in quarters, and to ask them the necessary questions, and the adjutant who had assembled the officers and attended the meeting was afterwards sent for. Slandering
the Govern-
nor.

Officers to be
examined
again.

The course adopted by Phillip in this matter seems to show his intention to deal with Ross as a quasi-delinquent. Instead of sending him a formal request to assemble the officers and report their separate answers to certain definite questions, as he did before, he instructed the Judge-Advocate

1789 to draw up the questions, and to send them in an official
28 May. communication—looking very much like “a lawyer’s letter”
—addressed to five of the senior officers, who were requested
to meet him on the subject. This was done accordingly on
the 28th May :—

Statement of
the charge. It having been reported that the Major-Commandant of the
detachment, did in the presence of many of the officers, declare
that the Governor’s calling on Captain James Campbell to sit as
a member of the Criminal Court, established by Act of Parlia-
ment, for the trial of criminal causes in this country, was oppres-
sive ; and that the said Major-Commandant did publicly address
the officers then present, in order to induce them to concur with
Captain Campbell in refusing to acknowledge the duty of the
Criminal Court to be any part of the officers duty ; and to per-
suade them to refuse sitting as members of the said Criminal
Court ; I am, in consequence of the said report, desired by the
Governor to call upon such officers of the detachment who were
present at that meeting ; and to put the following questions to
them ; in order that it may be known how far the said report is
founded in truth.

Questions
put.

1. Was there such a meeting, and what reason was assigned
by the Major-Commandant of the detachment for assembling the
officers ?

2. Did the Major-Commandant at that meeting say that the
Governor’s conduct in calling on Captain Campbell to sit in his
turn as a member of the Criminal Court was oppressive ?

3. Did he ask the officers to join Captain Campbell in refusing
to sit as a member of that Court, or what was said on that sub-
ject ?

The
answers. The answers sent in fixed the responsibility of the objec-
tionable language on the Major, beyond a doubt. The
statement sent in by Captain Tench may be taken as a
specimen of the whole :—

1. The meeting was held on Monday, the 27th of April, by
order of the Major-Commandant. The reason he assigned for
such meeting, was to repeat a conversation he had had with the
Governor, to lay before them a letter he had received on service
from Captain Campbell in consequence of a correspondence he

had had with the Judge-Advocate, and to read the letters which had passed between them, all of which were read to the officers by the adjutant. 1789
28 May.

2. To the best of my recollection the Major-Commandant said he had told the Governor that his conduct respecting Captain Campbell was oppressive, and that officers were not to be driven in cases where they did not feel themselves at ease to act ; they were not to be compelled. The Major
guilty.

I recollect that the Major made use twice of the word "oppressive" in speaking of the Governor's conduct.

3. He did not ask the officers to join Captain Campbell in refusing to sit as members of the Criminal Court—but it is my opinion that the whole tenor of Major Ross's conversation pointed that way. My reason for thinking so is, that Major Ross more than once mentioned to the officers assembled that he had told the Governor that both he, and the officers at large, considered the sitting as members of the Criminal Court as what they volunteered, not as a duty. Putting
them up
to it.

As soon as the officers had left the Judge-Advocate, they went straight to the Major and informed him of what had taken place. His curiosity being naturally excited with respect to the questions put, he wished to know what they were ; but instead of giving him the desired information, his friends referred him to the Governor. It does not appear that he took any steps to satisfy himself on the point ; as Phillip said—"Major Ross has never mentioned that business to me." Referred
to the
Governor.

The consequences that must have followed had the officers in general been of their Commandant's opinion, will be obvious to their lordships ; but as no legal inquiry could be made respecting the conduct of the officer to whom, as the Lieutenant-Governor and Commandant of the detachment, I was naturally to look for support, and from whom the situation of this colony at the time called for an address of a very different nature, I did not think it proper to direct any more officers to be sent for on the subject, unless Major Ross should desire it, when the officers informed him they had been examined respecting that meeting ; and which they did as soon as they left the Judge-Advocate, and being asked what questions had been put to them, they desired to refer him to the No means
of trying
Ross.

1789 Governor for the questions and their answers, but Major Ross
 26 August. has never mentioned that business to me, and I have therefore
 thought it best to let it rest in its present state.

Diplomacy. This was the concluding paragraph of Phillip's despatch,
 which may be taken as an illustration of his method of
 dealing with matters requiring some diplomacy. While he
 had every right to feel annoyed with the line of conduct
 adopted towards him by the head of the military force, to
 whom, as he said, he had naturally to look for support, he
 contented himself with quietly reporting the proceedings to
 the Admiralty and the Home Office, leaving it to the Govern-
 ment to dispose of the matter as it might think fit. Depend-
 ent on the military, as he knew himself to be, he could not
 safely have dealt with the Major as his temper would have
 prompted him to do, and was consequently obliged to tem-
 porise and make concessions, instead of resenting his aggres-
 sions at once. But he contrived to have his own way in the
 end, notwithstanding; and all through the struggle he
 appears to have made Ross feel that he was determined to
 have it. This result could not have been accomplished with-
 out considerable tact, patience, and self-control; for if he had
 been as hot-headed and irascible as his adversary, nothing
 could have prevented a violent collision between them.

Bayonets
 in the back
 ground.

Official
 jealousy.

Another
 grievance.

The extent to which official jealousy operated on Ross's
 mind was shown in a much more ludicrous form shortly
 after the termination of this discussion. On the 26th
 August, he addressed the Governor in a formal letter
 respecting another grievance of which he had to complain;
 and as it furnishes perhaps the best specimen on record of
 his peculiar weaknesses, it deserves attention. In the first
 three paragraphs, he unconsciously shows us how inflated
 he was with the sense of his importance as Lieutenant-
 Governor, and at the same time how sensitive to anything
 that appeared at all likely to lessen it. His allusion to "the
 west side of the cove" renders it necessary to explain that
 as soon as the settlement had been formed, Phillip placed

that part of it under Ross's command, the main body of the convicts being stationed there, while the opposite side of the cove was under his own supervision; the detachment of marines being camped at the head of it, between the two, and near the stream. 1789
26 August.

Your excellency's having so repeatedly told me that the working convicts employed on the west side of the cove were to be under the command and authority of the Lieut.-Governor, so far that none of them should be removed from it by your excellency without his knowledge, that it cannot have escaped your memory. The Lieutenant-Governor's command.

It would be presumption in the extreme in me to suppose your excellency not to know that when either duty, business, or pleasure may at any time induce your excellency to absent yourself from this cove, there cannot then remain in it any authority superior to that of the Lieut.-Governor. Importance of the Lieutenant-Governor.

Taking, therefore, your perfect recollection of the first and knowledge of the second for granted, I shall proceed to acquaint your excellency with an account of what I cannot but deem an insult offered to me in my character of Lieutenant-Governor since your excellency went last from this place. An insult offered to him.

The account of the "insult" which follows these introductory flourishes contains a pitiful detail of camp gossip; but it shows how trifles, light as air, may serve to inflame official jealousy as readily as other forms of it. It also shows the plentiful lack of wit, as well as occupation, which led the Major to pass so much time in listening to tittle-tattle among the soldiers and convicts—a habit which lay at the bottom of all the petty disturbances in which he figured so prominently. Camp gossip.

About 12 o'clock yesterday, Fuller, the carpenter, told me that [Thody] the convict plasterer had been with him to tell him that he was informed of Bazely's having been looking for him the day before in order to direct him to join Bloodsworth's gang. Soon after, in my walks to visit the guard, I saw Bazely, and asked him how Thody came by him to be ordered to join Bloodsworth's gang. On his saying that it was the desire of Mr. Brewer [the Provost-Marshal], I desired him to let Mr. Brewer know that I wanted to see him, and that he would find me with the officer Fuller told me, that Thody told him, that somebody else told Thody,

1789 of the guard. Mr. Brewer came soon after. I asked him how
 26 August. Thody came to be ordered away from the works that he was
 that Bazely employed in on the west side. His answer was, indeed he did
 had been, not know ; but that Mr. Collins had directed him to order Thody
 &c., &c., &c. to join and work with Bloodsworth's gang from that morning.
 I then desired Mr. Brewer to go to Captain Collins, and tell him
 from me that I wished to know how Thody came to be ordered
 away from the officers' huts where he was at work. Captain
 Collins's answer, by Mr. Brewer, was that he knew nothing more
 of it than that when the Governor was going away he left such
 orders with him.

The Major's
 grievance. The gist of this rambling narrative is that the Governor
 had insulted Major Ross because he had requested Captain
 Collins to give certain instructions with reference to the
 employment of the plasterer, instead of having communi-
 cated direct with the Lieutenant-Governor. On this fact—
 which seemed to him “of too serious a nature or tendency
 to pass over”—he proceeds to comment in the most solemn
 manner.

Determines
 to submit, However much I felt myself hurt by this impropriety of the
 manner in which the order came, I immediately determined with
 myself to give way to it, so far as to cause the man to be taken
 off from the officers' hut at which he had been at work, and sent
 over to the other side, which was immediately done. But I at
 the same time determined the business of too serious a nature or
 tendency to pass over without making your excellency acquainted
 but not to with it ; for however trivial it may at first view appear, yet the
 pass it over. nature of it, the quarter from whence it came, your excellency's
 name having been made use of upon the occasion, as well as the
 terms upon which I am too well known to stand with you, render
 it absolutely necessary for me, in justice to my own consequence
 Requires an and character, to request that your excellency will please to
 explanation, direct me to be informed of the cause of such authority being
 assumed by those in whom no such power can at present be
 vested.

also line of But should your excellency say, and I cannot possibly bring
 conduct. myself to think you will, that you on going away from here
 left your orders relative to the employing convicts with the
 Judge-Advocate, in place of leaving them with the Lieutenant-
 Governor, I have in such case to request that you will please to

explain to me the line of conduct which, as Lieutenant-Governor of this settlement, you wish me either to preserve or follow, assuring yourself that I shall endeavour to pursue that line, at least till such time as a power superior to either of us shall determine the bounds of both and redress our grievances. At present I acknowledge myself as much in the dark with respect to the line of conduct you expect me to pursue as Lieutenant-Governor, or what you expect from me or that I shall do, as I was the first day of our meeting in London. But as this may be a subject of future discussion, I shall conclude this with my having the honour of being, &c.

1789

28 August.

Quite in
the dark.

It appears from the Major's reference to "the terms on which I am too well known to stand with you," that something like an open rupture had taken place at this time between him and Phillip—the result, probably, of the discussion raised by Campbell's letter. The camps on the east and west sides of the cove were somewhat like those of hostile armies—one acting strictly on the defensive, the other watching every opportunity for attack, either by open fire or an occasional pot-shot. The result was not doubtful, but every movement of the enemy makes us feel how fortunate it was that Phillip contrived to keep cool throughout the struggle.

Open
rupture.The two
camps.

On receiving the Major's letter, Phillip informed Collins of its contents, and requested him to send his account of the matter in an official letter to the Governor. The effect of it was that he had received the instructions referred to on a Saturday, but had forgotten to carry them out until the following Monday—for which neglect he offered his apology. Ross was replied to on the day after his communication was received, in a letter which not only explained away the supposed insult, but conveyed a much-needed hint on another matter.

Collins
called in.Phillip to
Ross :—

A few days before I went to Rose Hill, a list of all the convicts and their various employments was made out by my directions, and by which it appeared to me that James Thody was unemployed. I, therefore, desired the Judge-Advocate to order him to join the bricklayers then at work for some of the officers ; and

The order
given.

1789 last night on my return received your letter, stating that an
 27 August insult had been offered you, as Lieutenant-Governor, during my
 absence, by the Judge-Advocate, in ordering a man employed
 under your directions to a different work.

The order
 delivered.

I will, sir, repeat to you what the Judge-Advocate says on
 that head, in his own words :—That he forgot to give the order
 the day I desired he would ; and when he did recollect it he gave
 orders for that purpose ; but on being told that the man was em-
 ployed by your directions at Lieutenant Kellow's hut, as he was
 certain I did not know he had any work in hand when I gave
 the order for his joining the bricklayers' "party."

No insult
 intended.

This, sir, if admitted, will, I presume, satisfy you that no insult
 was intended. I had myself informed you that I was going up
 the harbour for two or three days ; and with respect to any orders
 being left with the Judge-Advocate that should have been left
 with the Lieutenant-Governor, there is not a shadow of reason to
 suppose anything of the kind ever was intended, and of which
 you must be sensible.

A hint for
 the future.

Ross forgets
 himself.

Friendly
 considera-
 tion.

And in answer to your question as to what line of conduct I
 wish you to pursue, I have, sir, only to wish that the peace of the
 settlement may not be disturbed ; and that you will be so good as
 to be a little more guarded in your expressions ; for I am certain
 that you will think on reflection that the answer you gave to the
 convict, who came to tell you his time was expired,—“ Would
 to God my time was expired too ! ”—was not calculated to make
 him satisfied with his situation, till the necessary information is
 received from Government respecting those people, who draw their
 own conclusions from what they hear, and perhaps very different
 from what the words are intended to convey. I did not, sir, take
 notice of the impropriety I saw in such a declaration, when you
 told me that was the only answer you gave to the convict (who
 was afterwards sentenced by the Criminal Court to a severe
 punishment, which he most undoubtedly deserved), as several
 officers were then present ; but I repeat it, sir, that I am certain
 you must see the impropriety of it.

Mutual
 forbearance.

The time cannot be far distant when a legal inquiry can take
 place, and all complaints will then be attended to ; till when, his
 Majesty's service requires some little forbearance on your part as
 well as on mine.

The Major's inquiry as to "the line of conduct which, as Lieutenant-Governor of this settlement, you wish me either to preserve or follow," would have justified Phillip in a forcible retort, had he been inclined to reply in that fashion. He might have reminded Ross, for instance, of his very irregular conduct in connection with the vacancy occasioned by the death of Captain Shea, one of his officers. When that event occurred, he offered the company to the Judge-Advocate, without even acquainting the Governor with his intention to do so; although the position occupied by Collins rendered such a proposal a matter of serious moment to the head of the Government. The facts in this case—much more important, by the way, than those which formed the substance of Ross's complaint—were communicated to Nepean by Phillip in a letter dated 2nd February.

1789

2 February.

Another
manœuvre.Phillip to
Nepean :—

The present situation of this colony renders it necessary to state the following particulars, and which you will please to communicate to the Right Honorable the Lord Sydney.

When on the death of Captain Shea, who died the 2nd of February, '89, Major Ross, as Commandant of the detachment, came to inform me of that event, I observed to him, that First Lieutenant George Johnston, then doing duty as my Adjutant of Orders (and who was then present), would, of course, succeed to the Captain-Lieutenancy which then became vacant, as being the oldest first lieutenant in the detachment, and that I should in future do without an adjutant, as there were so few officers. No direct answer was given by Major Ross, who left me, and sending for the Judge-Advocate, offered him the company vacant by the death of Captain Shea, telling him he was directed so to do by Lord Howe, and that if he accepted the company, he was to give up the appointment of Judge-Advocate to the detachment.

Death
of Captain
Shea.Vacancy
offered to
Collins.

It is not at all probable that Lord Howe had directed Ross to offer the vacancy to the Judge-Advocate, for the simple reason that the impropriety of such a step was manifest on the face of it. But there can be no doubt as to the reasons which induced Ross to make the offer. He knew that, if Collins had accepted it, he would have been under the necessity of resigning the office of Judge-Advocate; and as

Ross tells
a story.

1789 there was no means of filling up the vacancy there and
 2 February. then, the Criminal Court would have ceased to exist until
 another Judge-Advocate could be sent out from England.
 There was nothing to prevent Collins from accepting the
 offer, had he been disposed to do so; but fortunately he
 did not. His refusal seems to furnish an explanation of
 Why Collins was slighted.
 Ross's conduct towards him on the occasion already referred
 to—p. 414. Phillip saw through this proceeding at once:
 and although he probably had his doubts as to the Lord
 Howe story, he wrote on the assumption that it was a
 genuine one.

Offer de-
 clined by
 him.
 This offer being declined, any interference on my part was un-
 necessary; but as a circumstance of this kind may happen in future
 I beg leave to observe, that if the Judge-Advocate had accepted of
 the company, he must have given up the appointment of Judge-
 Advocate to the settlement, for he could not possibly have attended
 Result if
 he had
 accepted.
 to that charge, supposing he had always remained at head-quarters;
 but which could not have been the case, for the captains relieve
 each other every three months at Rose Hill; therefore, if officers
 who may be sent out in civil employs are at liberty to resign the
 place they hold when any vacancy happens in the detachment,
 the colony in its present situation may lose an officer who is im-
 mediately necessary, and who, as in the present instance, cannot be
 replaced; nor is there any officer in this settlement so absolutely
 necessary as the Judge-Advocate, who likewise acts as a Justice of
 Peace, and which employs a very considerable part of his time.

No Criminal
 Court.
 When this circumstance is laid before Lord Sydney, I doubt not
 but his lordship will see that the civil government of this colony
 may be very materially affected by directions of such a nature
 being given to the Commandant of the detachment, and by him
 carried into execution without the knowledge or consent of the
 Governor, and which, I presume, never was intended by Lord
 Howe. The first information I received of any such offer being
 intended was from the Judge-Advocate saying that he would not
 accept the offer.

Under-
 mining the
 Govern-
 ment.
 Having regard to the state of affairs in the settlement at
 that time, Phillip had good reason to complain of such a
 proceeding as this. The Judge-Advocate being an officer
 in the Civil Service, any proposal for transferring him from

the position he occupied to another should have been submitted to the Governor for his approval in the first instance. ¹⁷⁸⁹ 2 February. By making the offer to Collins without any reference to the head of the Government, Ross meant to show his determination not to consider him in the matter.

I was the next day told by Major Ross that he intended to give commissions to the officers he promoted in consequence of Captain ^{Ross promotes his son.} Shea's death; and some days afterwards he came to ask me if his giving his son a commission as a second lieutenant would meet with my approbation. As Major Ross had not even at that time mentioned his having offered the company to the Judge-Advocate, or made any reference to me respecting the filling up the vacancy, I desired he would excuse me from giving any approbation to that appointment in particular.*

Since it is manifest that the little differences of opinion which so often took place between Ross and Phillip are attributable to the official jealousy displayed by the former, ^{Mistaken judgment of Phillip's character.} it is a singular illustration of mistaken judgment that the weakness in question should have been attributed by some historical writers to Phillip, while Ross's share in the matter has been altogether forgotten. In a volume published in London in 1817, under the title of *The History of New South Wales*, the writer—James O'Hara—concluded his ^{O'Hara's History.} account of Phillip's administration with the following sketch of his character, p. 143:—

Mr. Phillip was a man of undeniable merit; at once ardent and firm in the execution of his duty. His faults could scarcely be called such; a quickness of temper, a disposition more peremptory than is absolutely necessary in command, a too punctilious ^{Phillip's jealousy of station.} jealousy of station, with manners founded upon these qualities. But if that amenity was wanting which history has sometimes delighted to paint in the character of her favourites, he was not essentially harsh or severe. He scorned the display or semblance of that benevolence of which he had such well-founded claims to the reality.

* The son was appointed second lieutenant by the father notwithstanding, and was presented by him to the Governor in that capacity, with other officers promoted at the same time.

1789

No evidence
of it.

If "a too punctilious jealousy of station" formed a distinguishing trait of his character, there is no proof of it in the records of the time, either in the shape of official correspondence or in the narratives of his contemporaries. The only evidence of the kind consists of the statements made by Ross in his letters to Nepean, which do not deserve any serious attention.

The root
of the evil.A change
of masters.The sub-
stance and
the shadow.

The consciousness of his power was, no doubt, the main-spring of the extravagant conduct pursued by the Major. He was placed in the position he occupied for the purpose of supporting the Governor ; but, as things stood, the Governor was placed so helplessly in his power that, instead of obtaining support, he met with nothing but opposition. That was one of the many vices which marked the form of government framed by Sydney, the consequences of which made themselves felt with increasing force from year to year, until they culminated in a revolution. When the news of the discontent reached England, and the Government at last was made aware of the position into which the civil and military forces had drifted, it was determined to recall the marines, and send out a force specially raised for the service. By that means, it was thought, the evil complained of would be absolutely eradicated, and any future conflict of the kind rendered impossible. The result was quite the reverse, and naturally so ; because the source of the evil was left untouched. The Government did not understand the real position of affairs in the least, and instead of applying a remedy, it aggravated and inflamed the disease. It ought to have been manifest from the first that the Governor of such a colony should be invested with absolute instead of merely nominal power ; and that nothing could be more dangerous than to invest one officer with the shadow of power while leaving the substance in the hands of another. The difficulty might have been obviated by the simple precaution of issuing peremptory instructions from the Admiralty to the marines, before they left England, of such a nature as to remove all doubt from their minds with

respect to their subordination to the Governor. An alternative course presented itself in the appointment of the Commanding officer to that position ; but although such a plan would have prevented any conflict between the civil and military branches of the establishment, it would have resulted in different and perhaps more serious complications.

1789

In this, as in other instances, may be seen how naturally and inevitably the most unexpected consequences flow from mistakes in matters of government. Looking at it in the light of subsequent experience—"the stern lights of the ship"—the train of evils which marked the first years of the settlement seems but the necessary result of the unfortunate circumstances which marked its foundation. The struggle for predominance which began so soon between the heads of the civil and the military departments would probably have taken place, whoever might have been in charge of them ; because it was mainly attributable to the fact that the proper subordination of the military power to the Executive had not been provided for in the first instance. Under such circumstances, it is but fair to say that Major Ross's errors of judgment were to some extent the result of the position in which he found himself ; and that although a man possessed of great self-restraint and desire to promote the public interests might have avoided the unseemly disputes with the Governor in which he indulged, yet according to the ordinary working of human nature they were perfectly natural if not unavoidable events. On the same principle, the still more painful phenomena which made their appearance in other directions may be accounted for by tracing them to their fountain heads in the defective organisation of the community ; just as we may trace the river system of the country by following each of its broad streams to its source among the mountains. The omission to provide for the moral and religious training of the people by the appointment of overseers, teachers, and ministers of religion in sufficient number, led to consequences of which Phillip

Mistakes
in govern-
ment.The force
of circum-
stance.Education
and religion.

1789 made frequent complaint; but no statement that he made on the subject affords more than a faint indication of the real extent of the mischief. The imagination of the reader must fill up the picture with the too familiar details of vice and crime rampant among a people deliberately kept in ignorance of any higher law than that administered by the gaoler and the judge. In the same way, the equally fatal omission to provide competent instructors in agriculture and other necessary arts, entailed upon the unhappy population all the miseries of a state of siege; while the neglect to establish some form of government for the natives led in after years to a state of warfare between the two races, terminating in the extinction of the savage one. And it is not less true that the fundamental mistake of founding the colony with convicts instead of free settlers brought about a series of troubles and disasters, which frequently imperilled its existence and at all times paralysed its energies; until the lapse of time and the introduction of healthier elements enabled it gradually to outgrow, and at last absorb, the fruitful source of corruption and decay.*

The arts
of life.

A dying
race.

Fons et
origo
malorum.

* The practical results of this system of colonisation may be better understood by comparing it with the plan adopted by Congress in 1787 for the settlement of unoccupied territory. An Ordinance passed in that year established the following principles of government:—

1. So soon as there should be five thousand free male inhabitants of full age in the district, they should receive authority to elect representatives to represent them in a General Assembly.

2. The General Assembly should consist of a Governor, a Legislative Council, and a House of Representatives.

3. The inhabitants should always be entitled to the benefits of the writ of *habeas corpus* and of the trial by jury; of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of the common law.

4. Religion, morality, and knowledge being necessary to good government, schools and the means of education should be for ever encouraged.

5. The utmost good faith should always be observed towards the Indians: their lands and property should never be taken from them without their consent; and in their property, rights, and liberty, they should never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity should, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

6. There should be neither slavery nor involuntary servitude in the territory, otherwise than in the punishment of crimes.—Story, Exposition of the Constitution; Roebuck, The Colonies of England, 1849, p. 91.

PART III.

JAMES MARIA MATRA'S PROPOSAL.

A Proposal for Establishing a Settlement in New South Wales.

I AM going to offer an object to the consideration of our Government which may in time atone for the loss of our American colonies. 1783
Loss of
America.

By the discoveries and enterprise of our officers, many new countries have been found which know no sovereign, and that hold out the most enticing allurements to European adventurers. None are more inviting than New South Wales. New fields
for colonisa-
tion.

Captain Cook first coasted and surveyed the eastern side of that fine country from the 38th degree of south latitude down to the 10th, where he found everything to induce him to give the most favourable account of it. In this immense tract of more than two thousand miles there was every variety of soil, and great parts of it were extremely fertile, peopled only by a few black inhabitants, who, in the rudest state of society, knew no other arts than such as were necessary to their mere animal existence, and which was almost entirely sustained by catching fish. Cook's
account of
New South
Wales.

The climate and soil are so happily adapted to produce every various and valuable production of Europe and of both the Indies, that with good management and a few settlers, in twenty or thirty years they might cause a revolution in the whole system of European commerce, and secure to England a monopoly of some part of it, and a very large share in the whole. Its climate
and soil.

Part of it lies in a climate parallel to the Spice Islands, and is fitted for the production of that valuable commodity, as well as the sugar-cane, tea, coffee, silk, cotton, indigo, tobacco, and the other articles of commerce that have been so advantageous to the maritime powers of Europe. Tropical
products.

I must not omit the mention of a very important article which may be obtained in any quantity, if this settlement be made, the proper use of which would be of very considerable consequence, both among the necessaries and conveniences of life. I mean the New Zealand hemp or flax plant, an object equally of curiosity and utility. By proper operating it would serve the various purposes of hemp, flax, and silk, and it is more easily manufactured Flax.

1783

Flax—its
capabilities
for manu-
facture.

than any one of them. In naval equipment it would be of the greatest importance. A cable of the circumference of ten inches would be equal in strength to one of eighteen inches made of European hemp. Our manufacturers are of opinion that canvas made of it would be superior in strength and beauty to any canvas of our own country. The threads or fragments of this plant are formed by nature with the most exquisite delicacy, and they may be so minutely divided as to be small enough to make the finest cambric. In colour and gloss it resembles silk. After my true, though imperfect, description of this plant, I need not enlarge on it as a very singular acquisition both to the arts of convenience and luxury.

The
American
loyalists.

This country may afford an asylum to those unfortunate American loyalists, whom Great Britain is bound by every tie of honor and gratitude to protect and support, where they may repair their broken fortunes and again enjoy their former domestic felicity.

Send a ship
to investi-
gate,

That the Government may run no risk, nor be left to act in a business of this kind without sufficient information, it is proposed that one ship of the peace establishment (to incur the least possible expense) be directly sent to that country for the discovery and allotment of a proper district for the intended settlement; that one or two gentlemen of capacity and knowledge, as well in soil and situation as in every other requisite, be sent in her, that there may be no imposition on the Government, nor upon the Americans who, with their families, shall adventure there.

or two
ships, with
marines and
artificers,

If the Government be disposed to extend this plan, two vessels may be sent with two companies of marines, selected from among such of that corps as best understand husbandry or manufactures, and about twenty artificers, who are all the emigration required from the parent State; these last to be chiefly such as are taken on board ships-of-war for carpenters and armourers' crews, with a few potters and gardeners.

to prepare
for the
reception of
settlers.

These twenty men and the marines, under a proper person, to be left at the new settlement with materials and provisions, to prepare for the reception of the intended settlers, that their wants may be as few as possible on their arrival.

Live stock
and plants.

As the ship or ships stop at the Cape of Good Hope, a sufficient stock, to begin with, of cows, sheep, goats, hogs, poultry, and seeds may be obtained there. A supply of the like articles, as well as cotton seeds, plantains, grapes, grain, &c., may be had in any quantity at Savu or any of the Moluccas, which are very near New South Wales.

One ship to
return,

When the landing is effected, the smaller vessels may be despatched home with the intelligence, and while the party designed to be left are superintending the gardens and increase of live stock, the other ship may, if thought proper, be despatched to New

Caledonia, Otaheite, and the neighbouring islands, to procure a few families thence, and as many women as may serve for the men left behind. There is every reason to believe they may be obtained without difficulty. If but one vessel goes, the party with their stock may be left without apprehension of danger from the natives. 1783

the other to be sent to the islands.

Sir Joseph Banks is of opinion that we may draw any number of useful inhabitants from China, agreeably to an invariable custom of the Dutch in forming or recruiting their Eastern settlements. Banks recommends Chinese.

As it is intended not to involve the Government in either a great or useless expense (for the settlement is designed to increase the wealth of the parent country, as well as for the emolument of the adventurers), a sum not exceeding £3,000 will be more than adequate to the whole expense to Government. Most of the tools, saws, axes, &c., &c., for the use of the party left may be drawn from the ordnance and other public stores, where, at present, they are useless; and the vessels also, being part of the peace establishment, neither can nor ought to be fairly reckoned in the expenditure. Probable expense.

That the Ministry may be convinced that this is not a vain, idle scheme, taken up without due attention and consideration, they may be assured that the matter has been seriously considered by some of the most intelligent and candid Americans, who all agree that, under the patronage and protection of Government, it offers the most favourable prospects that have yet occurred to better the fortunes and to promote the happiness of their fellow sufferers and countrymen. Scheme approved of by the Americans,

Sir Joseph Banks highly approves of the settlement, and is very ready to give his opinion of it either to his Majesty's Ministry or others, whenever they may please to require it. and by Banks.

Should this settlement be made, we may enter into a commerce that would render our trade to China, hitherto extremely against us, very favourable. The Aleutian and Foxes Islands, situated between Asia and America, which abound with the choicest furs, lie nearly north of New South Wales. It is from these islands the Russians get the most and best of their furs, with which they carry on a very lucrative trade by land with the Chinese. Our ships that sailed under the command of Captains Cook and Clerke stopped at some of them, and the skins which they procured then sold in China at 400 hard dollars each, though for the few they brought home of the same quality they only received about £10 each. As our situation in New South Wales would enable us to carry on this trade with the utmost facility, we should be no longer under the necessity of sending such immense quantities of silver for the different articles we import from the Chinese Empire. Trade with China, and the islands.

There is also a prospect of considerably extending our woollen trade. We know that large quantities of woollen cloth are Woollen trade

1783 smuggled to Japan by the Russians, which, as it is taken by land carriage from St. Petersburg to Kamschatka, and then to the islands by a very precarious navigation in boats, must be extremely dear. The Japanese, however, go in their junks to the islands and purchase great quantities of it.

with Japan and Korea. The peninsula of Korea, a kingdom tributary to the Chinese, and unvisited by Europeans, has its supply at second-hand from the Japanese. No ship has ever attempted this commerce, excepting once or twice that the Spaniards ventured thither from their American dominions, but as the inhabitants of New Spain are but indifferent navigators for the high, cold latitudes, they could not oftener repeat the enterprize.

New Zealand timber for shipping. It may be seen by Captain Cook's Voyage that New Zealand is covered with timber of size and every quality that indicates duration; it grows close to the water's edge, and may be easily obtained; would it not be worth while, for such as may be despatched to New South Wales, to take in some of this timber on their return for the use of the King's yards? As the two countries are within a fortnight's run of each other, and as we might be of the utmost service to the New Zealanders, I think it highly probable that this plan might become eminently useful to us, as a naval power especially, as we might thus procure masts, a single tree of which would be large enough for a first-rate ship, and planks superior to any that Europe possesses.

The trade in spices. By the Preliminary Articles of Peace with Holland we are entitled to a free navigation of the Molucca Seas. Without a settlement in the neighbourhood the concession is useless, for the Dutch have an agent almost on every island in those seas. If we have a settlement it is unnecessary; for as spices are the only articles we could expect by it, it is probable we should stand in no need of their indulgence; for as part of New South Wales lies in the same latitude with the Moluccas, and is even very close to them, there is every reason to suppose that what nature has so bountifully bestowed on the small islands may also be found on the larger. But if, contrary to analogy, it should not be so, the object is easily supplied, for as the seeds are procured without difficulty, any quantity may speedily be cultivated.

Spices may be cultivated. To those who are alarmed at the idea of weakening the Mother Country by opening a channel for emigration, I must answer that it is more profitable that a part of our countrymen should go to a new abode where they may be useful to us, than to the American States. If we cannot keep our subjects at home, it is sound policy to point out a road by following of which they may add to the national strength.

Emigration policy. The place which New South Wales holds on our globe might give it a very commanding influence in the policy of Europe. If a colony from Britain was established in that large tract of country,

and if we were at war with Holland or Spain, we might very powerfully annoy either State from our new settlement. We might, with a safe and expeditious voyage, make naval incursions on Java and the other Dutch settlements, and we might with equal facility invade the coasts of Spanish America, and intercept the Manilla ships laden with the treasures of the West. This check which New South Wales would be in time of war on both those Powers, makes it a very important object when we view it in the chart of the world with a political eye.

1783

Value of
a naval
station.

Sir Joseph Banks's high approbation of the scheme which I have here proposed deserves the most respectful attention of every sensible, liberal, and spirited individual amongst his countrymen. The language of encomium applied to this gentleman would surely be inequitably censured as the language of adulation. To spurn the alluring pleasures which fortune procures in a frivolous and luxurious age, and to encounter extreme difficulties and dangers in pursuit of discoveries which are of great benefit to mankind, is a very complicated and illustrious event, as useful as it is rare, and which calls for the warmest public gratitude and esteem.

Banks's
opinion
entitled to
attention.

I shall take this opportunity to make a remark on colonisation which has not occurred to me in any author, and which I flatter myself will contain some important civil and political truth.

Colonisa-
tion.

Too great a diminution of inhabitants of the mother country is commonly apprehended from voluntary emigration, an apprehension which seems to me not to be the result of mature reflection. That we almost universally have a strong affection for our native soil is an observation as true as it is old—it is founded on the affections of human nature. Not only a Swiss, but even an Ice-lander, when he is abroad, sickens and languishes in his absence from his native country; therefore few of any country will ever think of settling in any foreign part of the world, from a restless mind and from romantic views. A man's affairs are generally in a very distressed, in a very desperate, situation, when he resolves to take a long adieu of his native soil, and of connections which must be always dear to him. Hence a body of emigrants—nay, a numerous body of emigrants—may, in a commercial view, be of great and permanent service to their parent community in some remote part of the world, who, if they continue at home, will probably live to see their own ruin, and will be very prejudicial to society. The politician of an expanded mind reasons from the almost invariable actions of human nature; the doctrine of the petty statesman is hardly applicable to a larger extent than that of his own closet. When our circumstances are adverse in the extreme, they very often produce illegal and rapacious conduct. If a poor man of broken fortunes and of any pretensions be timid in his nature, he most probably becomes a useless, if he has an ardent spirit, he becomes a bad and a criminal, citizen. There are

Depopula-
tion theory.Love of
country.Poverty the
source of
emigration,

and crime.

Emigration
a safety-
valve.

1783 indeed some epochs in a State when emigrations from it may be too numerous ; but then, from some calamitous and urgent publick cause, it must be unworthy of inhabitants.

August 23rd, 1783.

JAMES M. MATRA.

Sydney's
observation.

When I conversed with Lord Sydney on this subject, it was observed that New South Wales would be a very proper region for the reception of criminals condemned to transportation. I believe that it will be found that in this idea good policy and humanity are united.

Report on
gaols.

It will here be very pertinent to my purpose to give an extract from the report of the committee appointed to consider the several returns relative to gaols.

Colonisation
recom-
mended.

1st Resolution : That the plan of establishing a colony or colonies in some distant part of the globe, and in newly discovered countries where the climate is healthy, and where the means of support are obtainable, is equally agreeable to the dictates of humanity and sound policy, and might prove in the result advantageous to navigation and commerce.

Convicts
should be
sent out to
form
colonies.

2nd Resolution : That it is the opinion of this committee that it might be of public utility if the laws which now direct and authorise the transportation of certain convicts to his Majesty's colonies and plantations in North America, were made to authorise the same to any part of the globe that may be found expedient.

Transporta-
tion to
Africa.

Seven hundred and forty-six convicts were sent to Africa from the year 1775 to 1776. The concise account of them given into the committee exhibits an alarming expenditure of human life: three hundred and thirty-four died, two hundred and seventy-one deserted to no one knows where, and of the remainder no account could be given. Governor O'Hara, who had resided in Africa many years, was of opinion that British convicts could not for any time exist in that climate.

Expense of
settlement
in Africa.

The estimate of the expense given in by Mr. Roberts, necessary to establish a settlement there to receive them, amounted to £9,865 ; afterwards the annual charge to the public for each convict would be about £15 4s. Government pays annually to the contractor, for each convict who is employed in the hulks, £26 15s. 10d. The annual work of each man is valued at a third of the expense.

Cost of
convicts at
home.

I am informed that in some years more than a thousand felons are convicted, many of whom are under eighteen years of age. The charge to the public for these convicts has been increasing for the last seven or eight years, and I believe now amounts to more than £20,000 per annum.

Two plans
for utilising
convicts.

When the convicts were sent to America, they were sold for a servitude of seven years. A proposal has been made for the alteration of this mode respecting those sent to Africa, by condemning

them to some public work there. They were to be released from servitude, and some ground was to be given them to cultivate, in proportion as a reformation was observed in their conduct. 1783

Neither of those plans can I approve.

Give them a few acres of ground as soon as they arrive in New South Wales, in absolute property, with what assistance they may want to till them. Let it be here remarked that they cannot fly from the country; that they have no temptation to theft; and they must work or starve. I likewise suppose that they are not by any means to be reproached for their former conduct. If these premises be granted me, I may reasonably conclude that it is highly probable they will be useful; that it is very possible they will be moral subjects of society. Another plan—free grants of land.

Do you wish either by private prudence or civil policy to reclaim offenders? Show by your treatment of them that you think their reformation extremely practicable, and do not hold out every moment before their eyes the hideous mortifying deformity of their own vices and crimes. A man's intimate and hourly acquaintance with his guilt, of the frowns and severity of the world, tend more powerfully, even than the immediate effects of his bad habits, to make him a determined and incorrigible villain. Reformation of offenders. Treat them like men.

By the plan which I have now proposed, a necessity to continue in the place of his destination, and to be industrious, is imposed on the criminal. The expense to the nation is absolutely imperceptible comparatively with what criminals have hitherto cost Government; and thus two objects of most desirable and beautiful union will be permanently blended; economy to the public, and humanity to the individual. Economy and humanity.

JAMES M. MATRA.

SIR GEORGE YOUNG'S PROPOSAL.

The following is a rough outline of the many advantages that may result to this nation from a settlement made on the coast of New South Wales:— 1785

Its great extent and relative situation with respect to the eastern and southern parts of the globe is a material consideration. Botany Bay, or its vicinity, the part that is proposed to be first settled, is not more than one thousand six hundred leagues from Lima or Baldivia, with a fair open navigation, and there is no doubt but that a lucrative trade would soon be opened with the Creole Spaniards for English manufactures. Or suppose we were again involved with a war with Spain; here are ports of shelter and refreshment for our ships, should it be necessary to send any into the South Sea. Geographical position. Trade with South America. Naval station.

1785 From the coast of China it lies not more than about one thousand leagues, and nearly the same distance from the East Indies, from the Spice Islands about seven hundred leagues, and near a month's run from the Cape of Good Hope.

Commercial position. The variety of climates included between the 44th and the 10th degrees of latitude gives us an opportunity for uniting in one territory almost all the productions of the known world. To explain this more fully, I will point out some of the countries which are situated within the same extent of latitude, on either side of the Equator : they are China, Japan, Siam, India, Persia, Arabia Felix, Egypt, Greece, all Turkey, the Mediterranean Sea, Italy, Spain, South of France and Portugal, with Mexico, Lima, Baldivia, and the greatest part of the Pacific Ocean, to which may be added the Cape of Good Hope, &c.

Variety of climate and productions. From this review it will, I think, be acknowledged that a territory so happily situated must be superior to all others for establishing a very extensive commerce, and of consequence greatly increase our shipping and number of seamen. Nor is it mere presumption to say the country is everywhere capable of producing all kinds of spice, likewise the fine Oriental cotton, indigo, coffee, tobacco, with every species of the sugar-cane ; also tea, silk, and madder. That very remarkable plant known by the name of the New Zealand flax plant may be cultivated in every part, and in any quantity our demands may require. Its uses are more extensive than any vegetable hitherto known, for in its gross state it far exceeds anything of the kind for cordage and canvas, and may be obtained at a so much cheaper rate than those materials we at present get from Russia, who may, perhaps, at some future period, think it her interest to prohibit our trade for such articles, and the difficulties that must arise in such a case are too obvious to mention, but are everywhere provided against in this proposal.

Facilities for trade. With but a trifling expense and a little industry we may, in the course of a few years, establish a commercial mart on one island comprehending all the articles of trade in itself, and every necessary for shipping, not to mention the great probability of finding in such an immense country metals of every kind.

Tropical products. At a time when men are alarmed at every idea of emigration. I wish not to add to their fears by any attempt to depopulate the parent State ; the settlers of New South Wales are principally to be collected from the Friendly Islands and China ; all the people required from England are only a few that are possessed of the useful arts, and those comprised among the crews of the ships sent out on that service.

Flax. The American loyalists would here find a fertile, healthy soil, far preferable to their own, and well worthy their industry, where, with a very small part of the expense the Crown must necessarily

Commercial centre.

Metals of every kind.

Settlers from the islands and China.

The American loyalists.

be at for their support, they may be established more comfortably, and with a greater prospect of success, than in any other place hitherto pointed out for them. 1785

The very heavy expense Government is annually put to for transporting and otherwise punishing the felons, together with the facility of their return, are evils long and much lamented. Here is an asylum open that will considerably reduce the first, and for ever prevent the latter. Felon.

Upon the most liberal calculation, the expense of this plan cannot exceed £3,000, for it must be allowed that ships-of-war are as cheaply fed and paid in the South Seas as in the British Channel. Expense.

Had I the command of this expedition, I should require a ship-of-war—say the old *Rainbow*, now at Woolwich, formerly a ship of forty guns—as the best constructed for the purpose of any in the navy, with only half her lower-deck guns, and two hundred and fifty men, one hundred of which should be marines ; a store-ship, likewise, of about six hundred tons burthen, with forty seamen and ten marines ; and a small vessel of about one hundred tons, of the brig or schooner kind, with twenty men, both fitted as ships-of-war, and commanded by proper officers. Ships required.

The large ship is necessary for receiving fifty of the felons, provisions, and stores, with a variety of live stock and plants from England and the Cape of Good Hope. She is more particularly wanted as a guard-ship to remain in the country at least two years after her arrival, or longer, as may be found necessary, to protect the settlers, &c. The store-ship is required for taking an additional quantity of provisions to serve until we are about to raise some for ourselves ; the brig or schooner is principally wanted to explore the coast on our arrival : for, notwithstanding a convenient place is already mentioned for the purpose, nature and experience inform me a navigable river may be found on such an extensive coast, which, when discovered, she may be then despatched to England with an account of our proceedings. In the meantime the store-ship may be sent to the Friendly Islands for inhabitants and useful plants. Guard-ship.
Store-ship.

The settlement being thus established, any difficulties that may arise from the great distance of New South Wales are obviated in the manner following :—The China ships belonging to the East India Company, after leaving the Cape of Good Hope, and keeping more to the southward than usual, may land the felons on the coast, and then proceed to the northward round New Ireland, &c. ; or through Saint George's Channel, and so on to the Island Formosa for Canton. With a little geographical and nautical investigation, this passage will be found more short, easy, and a safer navigation than the general route of the China ships from Madras through the Straits of Malacca. Route for the China ships.

Perhaps the number of the felons after the present are disposed of may not require more than two ships in the course of a year.

1785 The expense, therefore, attending the transporting of them by this method must certainly be much less than by any others whatever, without even the most distant probability of their return. Every ship may take any number of felons not exceeding seventy.

Cheap trans-
portation.

Necessary Implements :—

Iron in bars	Bricklayer's tools
Forges and anvils	Mason's tools
Spades and shovels	Cooking utensils
Spikes and nails	Iron pots of sorts
Mattocks	Shoes and leather
Pitchforks	Linen and woollen cloth
Axes of sorts	Tinware
Iron crows and wedges	Thread, needles, &c.
Saws of sorts	Stockings
Large hammers	Soap
Mills	Hats and caps
Grindstones	Wheels of barrows
Cutlery	Seeds and plants
Window glass	Articles of trade with natives of the Islands
Grain of sorts	Coals as ballast
Fishing tackle	Some leaden pumps
Gardening tools	Scythes
Carpenter's tools	Pewter and earthenware.
Smith's tools	
Shoemaker's tools	

HEADS OF A PLAN

1786 For effectually disposing of convicts, and rendering their transportation reciprocally beneficial both to themselves and to the State, by the establishment of a colony in New South Wales, a country which, by the fertility and salubrity of the climate, connected with the remoteness of its situation (from whence it is hardly possible for persons to return without permission), seems peculiarly adapted to answer the views of Government with respect to the providing a remedy for the evils likely to result from the late alarming and numerous increase of felons in this country, and more particularly in the metropolis.

Proposal for
a penal
settlement.

It is proposed that a ship-of-war of a proper class, with a part of her guns mounted, and a sufficient number of men on board for

her navigation, and a tender of about two hundred tons burthen, 1786
 commanded by discreet officers, should be got ready as soon as Ships
 possible to serve as an escort to the convict ships, and for other required.
 purposes hereinafter mentioned.

That, in addition to their crews, they should take on board two
 companies of marines, to form a military establishment on shore, Marines.
 not only for the protection of the settlement, if required, against
 the natives, but for the preservation of good order, together with
 an assortment of stores, and utensils and implements necessary for Stores and
 erecting habitations and for agriculture ; and such quantities of provisions.
 provisions as may be proper for the use of the crews.

As many of the marines as possible should be artificers, such as Artificers,
 carpenters, surveyors, smiths, potters, if possible, and some hus- &c.
 bandmen. To have a chaplain on board, with a surgeon and one Chaplain.
 mate at least, the former to remain at the settlement.

That these vessels should touch at the Cape of Good Hope, or
 any other places that may be convenient, for any seed that may Live stock
 be requisite to be taken from thence, and for such live stock as and seed.
 they can possibly contain, which it is supposed can be procured
 there without any sort of difficulty, and at the most reasonable
 rates, for the use of the settlement at large.

That Government should immediately provide a certain number
 of ships of a proper burthen to receive on board at least seven Transports.
 or eight hundred convicts, and that one of them should be properly
 fitted for the accommodation of the women, to prevent their inter-
 course with the men.

That these ships should take on board as much provisions as
 they can possibly stow, or at least a sufficient quantity for two Two years'
 years' consumption, supposing one year's to be issued at whole provisions.
 allowance, and the other year's provisions at half-allowance, which
 will last two years longer ; by which time it is presumed that the
 colony, with the live stock and grain which may be raised by a
 common industry on the part of the new settlers, will be fully
 sufficient for their maintenance and support.

That, in addition to the crews of the ships appointed to contain
 the convicts, a company of marines should be divided between Guards for
 them, to be employed as guards for preventing ill consequences transports.
 that might arise from dissatisfaction amongst the convicts, and for
 the protection of the crews in the navigation of the ships from
 insults that might be offered by the convicts.

That each of the ships should have on board at least two Surgeons.
 surgeons' mates to attend to the wants of the sick, and should be
 supplied with a proper assortment of medicine and instruments,
 and that two of them should remain with the settlement.

- 1786 After the arrival of the ships which are intended to convey the convicts, the ship-of-war and tender may be employed in obtaining live stock from the Cape, or from the Molucca Islands, a sufficient quantity of which may be brought from either of those places to the new settlement, in two or three trips; or the tender, if it should be thought most advisable, may be employed in conveying to the new settlement a further number of women from the Friendly Islands, New Caledonia, &c., which are contiguous thereto, and from whence any number may be procured without difficulty; and without a sufficient proportion of that sex it is well known that it would be impossible to preserve the settlement from gross irregularities and disorders.
- Further supplies. The whole regulation and management of the settlement should be committed to the care of a discreet officer, and provision should be made in all cases, both civil and military, by special instructions under the Great Seal, or otherwise, as may be thought proper.
- Island women. Upon the whole, it may be observed with great force and truth, that the difference of expense (whatever method of carrying the convicts thither may be adopted) between this mode of disposing of them, and that of the usual ineffectual one, is too trivial to be a consideration with Government, at least in comparison with the great object to be obtained by it, especially now the evil is increased to such an alarming degree, from the inadequacy of all other expedients that have hitherto been tried or suggested.
- Government of the colony. It may not be amiss to remark in favour of this plan that considerable advantage will arise from the cultivation of the New Zealand hemp or flax plant in the new intended settlement, the supply of which would be of great consequence to us as a naval power, as our manufacturers are of opinion that canvas made of it would be superior in strength and beauty to any canvas made of the European material, and that a cable of the circumference of ten inches, made from the former, would be superior in strength to one of eighteen inches made of the latter. The threads or filaments of this New Zealand plant are formed by nature with the most exquisite delicacy, and may be so minutely divided as to be manufactured into the finest linens.
- Difference in expense no objection. Most of the Asiatic productions may also, without doubt, be cultivated in the new settlement, and in a few years may render our recourse to our European neighbours for those productions unnecessary.
- Flax. It may also be proper to attend to the possibility of procuring from New Zealand any quantity of mast and ship timber for the use of our fleet in India, as the distance between the two countries is not greater than between Great Britain and America. It grows close to the water's edge, is of size and quality superior to any hitherto known, and may be obtained without difficulty.
- Tropical products. New Zealand timber.

Staff Establishment for the Settlement of New South Wales :—

1786

	Yearly Salary.			Estimates of expenditure, 1—Staff.
	£	s.	d.	
The Naval Commander appointed Governor or Superintendent-General	500	0	0	
The Commanding Officer of the Marines to be appointed Lieutenant-Governor or Deputy Superintendent	250	0	0	
The Commissary of Stores and Provisions, for himself and assistants, to be appointed or named by the contractors for the provisions	200	0	0	
Pay of a Surgeon	£182	10	0	
Pay of two mates	182	10	0	
	365	0	0	
Chaplain	182	10	0	
	£1,497	10	0	

Estimate of Clothing to serve a Male Convict for one year :—

	No.	Value each.		£	s.	d.	2—Clothing.
		s.	d.				
Jackets	2	4	6	0	9	0	
Woollen drawers	4	2	0	0	8	0	
Hat	1	2	6	0	2	6	
Shirts	3	3	0	0	9	0	
Worsted stockings	4	1	0	0	4	0	
Frocks	3	2	3	0	6	9	
Trousers	3	2	3	0	6	9	
Shoes	3	4	6	0	13	6	
				£2	19	6	

The expense of clothing female convicts may be computed to amount to the like sum.

LORD SYDNEY'S LETTERS.

Two letters written by Lord Sydney, Secretary of State for the Home Department, one to the Lords of the Treasury dated 18th August, 1786, and the other to the Lords of the Admiralty dated 31st August in that year, contained instructions for the supply and equipment of the ships required for the expedition to Botany Bay. The letter to the Treasury began with the paragraphs quoted in the text, page 22, and then continued as follows :—

In order that a proper degree of subordination and regularity may be preserved in this new settlement, his Majesty has been

1786
Marines. Ship-of-war and tender. pleased to give orders that an officer and proper assistants shall be appointed to superintend it, and that three companies of the Marine Corps shall be stationed there so long as it may be found necessary. The officers and marines will be embarked on board a ship-of-war and a tender; which the Lords Commissioners of the Admiralty have been directed to provide for this service, the commanders of which will be instructed to take under their protection the ships on board of which the convicts may be embarked, and to regulate their sailing to the place of destination.

Provisions for marines. Island women. The crews of the ship-of-war and the tender, as well as the Marine Corps, will be victualled by the Naval Department during their passage; but your lordships will please to take notice that the marines are to be provided for after their landing, and supplies of provisions, as well as implements for agriculture, should also be procured for their use. The number may amount to about one hundred and eighty, to which is to be added the staff establishment, consisting of fifteen, and perhaps two hundred females, which your lordships will see by a sketch of the plan for forming this new settlement, herewith transmitted, are likely to be procured from places in its neighbourhood, as companions for the men.

Guards for transports. If the person who may contract for the passage of the convicts should be desirous of obtaining military assistance for their greater security, they may be accommodated with a part of the marines, who would otherwise be conveyed to the new settlement in the ship-of-war and the tender.

Two years' provisions. According to the best opinions that can be obtained, it is supposed that a quantity of provisions, equal to two years' consumption should be provided, which must be issued from time to time according to the direction of the superintendent, in the expenditure of which he will of course be guided by the proportion of food which the country and the labour of the new settlers may produce.

Live stock and seed. Barter. From the length of the passage to New South Wales, the commanding officer will most likely find it necessary to call at the Cape de Verd Islands, as well as at the Cape of Good Hope, for the purpose of recruiting the water. At the latter of these places he will in all probability be enabled to obtain cattle and hogs, as well as seed grain, all of which must be procured for the new settlers with a view to their future subsistence; and as expenses will thereby of course be increased, it will be necessary that your lordships should authorise the naval commander or the superintendent to draw upon you for the amount, and that, in addition thereto, a quantity of merchandise should be put on board the ship-of-war or the tender previous to their sailing, sufficient to obtain supplies of live stock by means of barter with the inhabitants of the islands contiguous to the new intended settlement, from whence such supplies may at all times be obtained.

A small quantity of garden seeds should be sent out from hence, together with some seed grain, to prevent inconveniences that might happen should any difficulties arise in procuring a supply, particularly of the latter, at the Cape of Good Hope. 1786
Supply of
seed from
home.

The tools for erecting habitations and implements for agriculture, which it is supposed will be most useful in the settlement, are specified in the list accompanying this, and with which it will be proper to supply the marines and the convicts after their landing at the settlement. It is therefore his Majesty's further pleasure that these articles be also provided and sent out, together with bedding for each of the convicts, and a proportion of cloathing agreeably to the estimate enclosed. The marines will be supplied with bedding from the ship-of-war. Tools and
implements.

Bedding and
clothing.

I have it in command from his Majesty only further to acquaint your lordships, that a quantity of surgical instruments and medicines and necessaries for the sick will likewise be wanted, and as soon as an estimate can be formed it shall be transmitted to your lordships, together with the staff establishment. Surgical
matters.

In the meantime I have only to recommend it to your lordships to cause every possible expedition to be used in preparing the shipping for the reception of the said convicts, and for transporting the supplies of provisions and necessaries for their use to the place of their destination. No time to
be lost.

The letter to the Admiralty was as follows :—

The King having been pleased to signify his royal commands that seven hundred and fifty of the convicts, now in this kingdom under sentence of transportation, should be sent to Botany Bay, on the coast of New South Wales, in the latitude of 33° south, at which place it is intended that the said convicts should form a settlement, and that the Lords of the Treasury should forthwith provide a sufficient number of vessels for their conveyance thither, together with provisions and other supplies for their subsistence, as well as tools to enable them to erect habitations and also implements for agriculture ; and it being his Majesty's intention that a ship-of-war of a proper class, with part of her guns only on board, commanded by an able and discreet officer, and a sufficient establishment of inferior officers and men, together with a vessel of about two hundred tons burthen, commanded also by an officer, should as soon as the convict ships are ready proceed with them to the new settlement for the purpose of regulating their sailing, and for the preservation of peace and good order during the passage, as well as for other purposes after their arrival : Convicts to
be sent to
Botany Bay.

Ships
required.

I am commanded to signify to your lordships the King's pleasure that you do forthwith cause a ship-of-war and a tender for those services to be fitted for sea with all possible expedition ; and when the said convicts shall be put on board the ships which are Ship-of-war
and tender.

1786
Instructions
for the
commander. preparing for their reception in the river Thames, to instruct the commander of the ship-of-war to take the convict ships under his protection, and proceed with them and the tender (which he will employ as he shall find occasion) to Botany Bay, calling off Plymouth on his way thither for another convict ship, the master of which will be directed to join the convoy from thence, upon its appearance.

Rendezvous
at the Cape. From the length of the voyage to New South Wales the convoy will of course find it necessary to put into port on their way thither for the purpose of recruiting their water. Your lordships will therefore give instructions accordingly, only taking care that one of the places to be fixed upon for a rendezvous may be the Cape of Good Hope, from whence it is intended that as many supplies as possible for the new settlement shall be procured.

Garrison. As it has been thought advisable that some military establishment shall be made at the new intended settlement, not only to enforce due subordination and obedience, but for the defence of the settlement against incursions of the natives, and as, from the nature of the service to be performed, it is highly expedient that it should be composed of men accustomed to and under proper discipline, his Majesty has been pleased to direct that one hundred
Marines and sixty private marines, with a suitable number of officers and non-commissioned officers, shall proceed in the ship-of-war and the tender to the new settlement, where it is intended they shall be disembarked for the purposes before mentioned. They will be properly victualled by a commissary immediately after their landing, and provision has also been made for supplying them with such tools, implements, and utensils, as they may have occasion for, to render their situation comfortable during their continuance at the new intended settlement, which it is designed shall not exceed a period of three years.

Volunteers. When these circumstances are known, it is very probable that many of the non-commissioned officers and men may express a desire of embarking upon this expedition. If the whole number to be employed upon it were to consist of persons of that description, it would, upon many accounts, be advisable to give them a preference. It is therefore his Majesty's pleasure that their wishes in this respect should, as much as possible, be attended to; and that your lordships should, if there should be occasion, hold out such further indulgences to them as may induce them to embark voluntarily upon this service, either by bounty or promise of discharge, should they desire it upon their return; or, at the expiration of three years, to be computed from the time of their landing at the new intended settlement, should they prefer remaining in that country.

Marines to
be en-
couraged to
volunteer. I enclose to your lordships herewith the heads of a plan upon which the new settlement is to be formed for your further information, together with the proposed establishment for its regulation

Heads of a
Plan.

and government; and as soon as I am acquainted by your lordships with the names of the officers intended to command the ship-of-war and the marine corps, I shall receive his Majesty's further pleasure for preparing their commissions and such instructions as may be requisite for their guidance.

1786

Commissions and instructions.

From the nature of the services they are to execute under these instructions, entirely unconnected with maritime affairs, it would be proper that they should be immediately subordinate to the direction of this office, and upon that ground it is his Majesty's pleasure that they should be directed, after their arrival at New South Wales, to follow such orders and directions as they may receive from his Majesty, through his Principal Secretary of State for this Department.

Officers to be under the Home Department.

PORTUGUESE CONVICTS.

"THESE were not the only colonists. Portugal had taken possession of Brazil, and meant to maintain it. It was the system of the Portuguese Government to make its criminals of some use to the State, a wise system if wisely regulated: in that kingdom it obviously arose from the smallness of its territory and lack of population to support its extensive plans of ambition. Hitherto they had been degraded to the African frontier, and more recently to India also. In these situations they certainly served the State, yet the service was not without heavy disadvantages. The usual offences which were thus punished were those of blood and violence, and the ferocious propensities which led to the commission of those crimes were not likely to be corrected by placing the offenders in situations where they might indulge them with impunity, and consider the indulgence as meritorious. This system was immediately extended to Brazil; the first Europeans who were left ashore there were two convicts. In Africa, as in India, the exile was sent to bear arms with his countrymen, who would not regard him as disgraced, because they were obliged to associate with him. To be degraded to Brazil was a heavier punishment; the chance of war would not enrich him there, and there was no possibility of returning home with honour for any signal service. They were in one point of view better disposed of, inasmuch as in new colonies ordinary men are of greater value than they can be elsewhere, but they became worse subjects. 'Always has this plague persecuted Brazil and the other conquests of this kingdom,' says Balthazar Tellez. Their numbers bore a greater proportion to the better settlers, and they were therefore more likely to be encouraged in iniquity than reformed by example—to communicate evil than to learn good."—Southey, *History of Brazil*, vol. i, p. 31.

Convicts sent to Africa and India,

and Brazil.

The plague of the colonies.

THE DEPOPULATION THEORY.

Prevalent
dread of
emigration.

"At a time when men are alarmed at every idea of emigration, I wish not to add to their fears by any attempt to depopulate the parent State." This remarkable passage—which appears in Sir George Young's Proposal for a Settlement on the coast of New South Wales,—throws a striking light on the history of the times. The great wars in which England had been engaged for so many years previously, and the prospect of still greater wars in which the country might be involved at any time, probably gave rise to the alarm excited in the public mind by any proposal for free emigration; the prevalent ideas being that every able-bodied man who went out to settle in a new country was a direct loss to the State, and that the drain on its population entailed by the establishment of a colony might prove a serious public danger in the event of war.

Population
of Europe.

The state of public opinion on this subject in 1785 may be better appreciated by a glance at the population tables of the principal European States for the years 1800 and 1880 :—*

Country.	1800.	1880.
United Kingdom	15,570,000	34,650,000
France	27,720,000	37,430,000
Germany	22,330,000	45,260,000
Austria	21,230,000	37,830,000
Russia	38,140,000	84,440,000
Italy	13,380,000	28,910,000
Spain	10,440,000	16,290,000

Colonies and
population.

The depopulation theory dates from a very early period in English history. Sir Josiah Child, in his *New Discourse of Trade*, published in 1668, argued strongly against it, contending that colonies do not depopulate the mother country. Adam Smith, whose *Wealth of Nations* was published in 1776, mentioned in

* Mulhall's Dictionary of Statistics. In the *Histoire des Navigations aux Terres Australes*, Paris, 1753, the author mentions 20,000,000 as the supposed population of France at that time, but admits that it is not a reliable estimate; vol. i, p. 25. Voltaire (*Dialogue 24, premier entretien*) alludes to this estimate as an exact one :—"Il est prouvé que la France ne contient qu'environ vingt millions d'âmes tout au plus, par le dénombrement des feux exactement donné en 1754."

his chapter on Population that "it was long a prevalent opinion that the emigration to the New World had depopulated Spain, and it was also suspected that it had diminished the population of England. There is not, however," he added, "the least ground for any such opinion or conjecture."

Spain and
England.

But the opinions of these and other philosophers did not remove the popular prejudice on the subject. That it had active vitality even in the present century, may be seen from a book published in London in 1830, under the title of *The Friend of Australia*, in which the author, a retired East India Company's officer, advocated a systematic exploration of this country. Alluding to the prevalent objections to sending out emigrants to the colonies, he said :—

Emigration
to Australia.

It is also a most egregious mistake for anyone to say that we should be parting with and sending out of the country the mainspring of our strength—our youth—who are to defend us in case of war. I wish to know what difference the thousands who have already left Great Britain have made in the great bulk of the population? None. Where are they missed?

Perhaps the most forcible illustration of the current doctrine on this subject during the last century will be found in Callander's collection of voyages,* published in 1766 under the title, *Terra Australis Cognita*. This work was nothing more than a free translation, without acknowledgment, of the *Histoire des Navigations aux Terres Australes*, by the President, Charles de Brosses. In an introductory chapter "of the utility of further discoveries," Callander, adapting the Frenchman's argument, says :—

De Brosses
and Cal-
lander.

Nobody now pretends to call in question that a State must augment her power and wealth by extending the several branches of her commerce by the means of colonies, provided this can be performed without depopulating too much the mother country. The task may be difficult to determine what part of the people of Britain can be spared for new establishments in distant regions. It is, I believe, generally admitted that this island is able to nourish a larger number of people than we actually have. Now the real riches of a State consist in the number of her subjects.

After enumerating the commercial advantages to be derived from "sending out well-regulated colonies," Callander proceeds to point out another advantage of a different kind :—

Advantages,
of colonies.

These are the useful articles that flow from exporting our people to colonies abroad ; but there are others that may be found in some sense necessary ; such as that of sending annually abroad certain people who only hurt

* Callander's work was published two years before Cook sailed in the *Endeavour* on his expedition to the South Sea, and was probably not without some influence in determining the Government of the day to prosecute the "further discoveries" which it advocated. The publication of the work at that time shows that public attention was directed to the subject.

Utilising
crime.

society at home. . . . The proper use of banishment is to send the criminal from the country he has infested into another, where, by its dependence on the mother country, his labour may become useful to the State.

Dalrymple.

Dalrymple also, in the introduction to his *Collection of Voyages* in the South Pacific Ocean, published in 1770, refers to the prejudice against emigration :—

An objection has been made to colonisation from an opinion that it draws away subjects from the mother country to the colonies ; whereby the former is weakened, and the latter, by an idea of their own increasing power, encouraged to struggle for independence.

The First
Fleet.

Another illustration of the singular delusion referred to may be seen in the preface to *The History of New Holland*, published in 1787, just before the departure of the First Fleet. Referring to the expedition, the writer says :—

Experiments
in
corruptio vili.

When it is considered as an experiment (for the disposal of convicts), the objections of those who exclaim against founding a colony upon the infamous assemblage of exiled felons will fall to the ground. Supposing that Government had chosen to embrace the single purpose of forming a settlement at Botany Bay, they would be justly censurable in inviting the industrious and reputable artisan to exchange his own happy soil for the possession of territory, however extensive, in a part of the world as yet so little known. But criminals, when their lives or liberties are forfeited to justice, become a forlorn hope, and have always been judged a fit subject of hazardous experiments to which it would be unjust to expose the more valuable members of a State. If there be any terrors in the prospect before the wretch who is banished to New South Wales, they are no more than he expects ; if the dangers of a foreign climate, or the improbability of returning to this country, be considered as nearly equivalent to death, the devoted convict naturally reflects that his crimes have drawn on this punishment, and that offended justice, in consigning him to the inhospitable shore of New Holland, does not mean thereby to seat him for his life on a bed of roses.

HISTORY OF TRANSPORTATION TO 1787.

BANISHMENT from the King's dominions was a recognised mode of punishment from the earliest times, especially for political offences. A reference to it occurs in Shakspeare's *Richard II*, act i, scene 3, when the King, after having stopped the fight between Bolingbroke and Norfolk, addressed them as follows :—

Hereford —
ten years.

Therefore we banish you our territories :—
You, cousin Hereford, upon pain of life,
Till twice five summers have enriched our fields,
Shall not re-greet our fair dominions,
But tread the stranger paths of banishment.
Norfolk, for thee remains a heavier doom !
* * *

Norfolk—
life.

The hopeless word of—never to return,
Breathe I against thee, upon pain of life.

But this method of punishing political offenders was checked by Magna Charta, which declared that no freeman should be outlawed or exiled but by lawful judgment of his peers, or by the law of the land.* Magna Charta.

Some of the most conspicuous instances of banishment by Act of Parliament in modern times are—

The Earl of Clarendon—19 Car. II, c. 10 (1679).

Sir Thomas Sandys—22 & 23 Car. II, c. 1 (1682).

Francis, Lord Bishop of Rochester—9 Geo. I, c. 17 (1723).

The first Act of Parliament by which banishment from the realm was recognised as a method of punishing offenders was passed in 1597,† for the purpose of dealing with the “rogues, vagabonds, and sturdy beggars” who formed one of the great social troubles of the Tudor times. It enacted that “dangerous rogues, and such as will not be reformed of their roguish course of life, may lawfully, by the Justices in their Quarter Sessions, be banished out of the realm and all other the dominions thereof, into such parts beyond the seas as shall be for that purpose assigned by the Privy Council; or otherwise be adjudged perpetually to the gallies of this realm.” By the same statute every rogue so banished and returning without license was made guilty of felony, but within the benefit of clergy.‡ And for the better indemnifying the nation against such rogues so returning, it was also enacted that prior to their banishment they should be “thoroughly burned upon the left shoulder with a hot burning-iron of the breadth of an English shilling, with a great Roman R upon the iron, for a perpetual mark upon such rogue during his or her life.” Transportation or the galley.

But although this statute of Elizabeth was the first by which banishment from the realm—afterwards known as transportation

* Banishment as a judicial sentence prevailed in Scotland from the seventeenth century. It was applied in ordinary cases as well as in political disturbances, and probably owed its origin to the difficulty of providing accommodation in the tolbooths. Banishment from the Sovereign’s “hail dominions furth of Scotland,” or from one district of Scotland to another, was a common sentence. . . . The ordinary place of exile during the eighteenth century was “His Majesty’s plantations in America.”—Rogers, *Social Life in Scotland*, vol. i, p. 37.

† 39 Eliz., c. 4.

‡ By an ancient custom of the realm, men in holy orders when accused of any felony might claim the right of trial by compurgation before their fellow priests. If the claim was allowed, the accused was handed over to the Ordinary; in other words, to the safe keeping of the Bishop of the diocese. Trial by compurgation meant nothing more than a solemn declaration of innocence, by the accused on oath taken in the presence of other priests;

Abjuring
the realm.

—was formally recognised as an appropriate punishment for offenders against the laws, the origin of the system must be sought for in much earlier times than the sixteenth century. It will be found, in fact, in the ancient custom by which men who fled from justice or retribution to the sanctuary were allowed to abjure the realm—in other words, to transport themselves to any part of the outside world they pleased. They were required to make oath before the coroner, in the church to which they had fled, that they would quit the realm on a given day; a cross was thereupon given to them to ensure their protection on their journey to the coast; but if they failed to present themselves at the place and on the day appointed for their embarkation, they forfeited the privileges they had obtained. The privilege of sanctuary was taken away by an Act passed in the reign of James I, and abjuration of the realm consequently ceased.

The first
orders for
transport-
ation

The first recorded public documents authorising the transportation of convicts, and specially designating their destination, are three Orders in Council, dated January, 1614, July, 1615, and March 20, 1617, respectively. These orders directed certain criminals to be delivered to the Governor of the East India Company, to be transported to the East Indies.

to the
colonies.

The first recorded instance of transportation to a colony appears in a letter addressed by James the First in 1619 to the Treasurer and the Council of the Colony of Virginia, directing them to "send a hundred dissolute persons to Virginia, whom the Knight Marshal should deliver to them for that purpose."

The first
Act.

The word "transport" appeared for the first time in an Act of Parliament passed in 1666, for "preventing of theft and rapine upon the northern borders of England."* The moss-troopers of that time gave as much trouble to the Lords of the Marches as

and if they made oath—as they usually did—that they believed him innocent, he became at once a free man. Anyone who could read was entitled to claim benefit of clergy, *clerici* or "clerks," being in early times the only men who had learned to read. Laymen in later times acquired the art in order that they might be qualified to claim this privilege, and consequently it became common to all educated persons. It was not entirely abolished until the time of George IV. The reason why it was so long retained in the administration of the criminal law was, apparently, because it was practically a means of showing mercy to offenders convicted for the first time. To prevent their claiming the privilege twice, the practice of burning in the hand was introduced; the criminal being thereby made to carry the register of his conviction in his hand.

* 18 Car. I, c. 3 (1643).

the sturdy beggars gave to the Justices of the Peace in earlier days. The Act in question declared that the "great, known, and notorious thieves and spoil-takers in Northumberland and Cumberland," on conviction for theft done or committed in those counties, should be excluded from the benefit of clergy—that is, should be tried and dealt with in the usual way; but as that would have meant capital punishment on conviction, it was mercifully provided that the Justices of Assize, before whom they were convicted, might cause them to be "transported into any of his Majesty's dominions in America, there to remain, and not to return."

The border
thieves.

By far the most remarkable Act on this subject was passed in 1718,* authorising transportation to the colonies and plantations in America. It proposed a means for supplying the demand for labour there, as well as for ridding the mother country of its dangerous classes. Previous to the passing of this Act, transportation to the West Indies, on a voluntary basis, was one means of disposing of them; but having proved ineffectual, the Act of 1718 was passed for the purpose of authorising their compulsory removal to America. The Act also introduced the machinery by which the system of transportation was afterwards worked, as long as it continued in existence. The language of this statute throws a good deal of light, not only on the history of transportation, but on the social condition of the time.

An Act for
the better
peopling
of the
colonies.

Machinery
of trans-
portation.

The preamble recites that whereas it had been found by experience that the punishment inflicted by the laws then in force against robbery, larceny, and other offences of the kind, had not proved effectual to deter wicked and evil-disposed persons from being guilty of such crimes; and whereas many offenders, to whom royal mercy had been extended upon condition of transporting themselves to the West Indies, had often neglected to perform that condition and had returned to their former wickedness, and been at last for new crimes brought to a shameful and ignominious death:

Self-trans-
portation
to West
Indies.

And whereas in many of his Majesty's colonies and plantations in America there was great want of servants, who by their labour and industry might be the means of improving and making them more useful to the nation:

Want of ser-
vants in the
colonies.

* 4 Geo. I. c. II.—"An Act for the further preventing robbery, burglary, and other felonies, and for the more effectual transportation of felons and unlawful exporters of wool, &c."

1718

Transportation substituted for branding and whipping.

It was therefore enacted that where any persons had been convicted of any offence within the benefit of clergy, and were "liable to be whipt or burnt in the hand*"; and also where any persons might thereafter be convicted of fraud or petit larceny, &c., and would be entitled to the benefit of clergy, and "liable only to the penalties of burning in the hand or whipping" (except receivers and buyers of stolen goods), the Court before whom they were convicted might, instead of ordering them to be burnt in the hand or whipt, order that they should "be sent, as soon as conveniently might be, to some of his Majesty's colonies and plantations in America for the space of seven years :"

Transfer to contractors.

And the Court should have power to "convey, transfer, and make over such offenders to the use of any persons contracting for their transportation to them and their assigns for the term of seven years :"

Transportation substituted for hanging.

It was further provided that where any persons had been convicted of offences for which death ought by law to be inflicted, or where any persons should thereafter be convicted of any crimes for which they would by law be excluded the benefit of clergy, and his Majesty should be pleased to extend royal mercy to them, "upon the condition of transportation to any part of America," the Court might allow such offenders the benefit of a pardon under the Great Seal, and order the like transfer and conveyance of such offenders, and also of receivers and buyers of stolen goods, to any persons who should contract for the due performance of the transportation and their assigns, for the term of fourteen years, "in case such conditions of transportation were general, or else for

* Burning in the hand was one of the last remnants of the old practice of mutilation which used, in times preceding the Norman Conquest, to be inflicted for all kinds of petty offences. Branding on the forehead, cutting off the hands or feet, the nose, ears, or upper lip, cutting out the tongue, plucking out the eyes, tearing away the scalp, and sometimes flaying or burning alive, were among the punishments sanctioned by the Saxon laws, and subsequently adopted by the Norman. By the statute of Vagabonds, passed in the time of Edward VI, a runaway servant was to be branded on the breast with the letter V; and if he absented himself for fourteen days he was to be branded on the forehead or cheek with the letter S, and adjudged to be the slave of his master for ever. One of Elizabeth's statutes enacted that a vagabond above fourteen years of age was to be grievously whipped, and burned "through the gristle of the right ear with a hot iron of the compass of an inch," unless some responsible person should take him into service for a year. Branding in the hand was subsequently substituted for ecclesiastical compurgation. The practice was not discontinued until the time of George III.

such term as should be made part of such conditions, if any particular time should be specified by his Majesty." 1718

To carry out the intention of these singular provisions, it was further enacted that the persons so contracting, and their assigns, should have "a property and interest in the service of such offenders for such terms of years." The effect of this was that the convicts became the property of the contractors—that is, the ship-owners who undertook to transport them—for the term of their respective sentences; and as there was no restriction upon the mode of dealing with this property, the contractors adopted the only practicable means of turning it to account by selling the convicts, as soon as they were landed on the shores of Virginia or Maryland. Every convict sent to America under this system was sold like a slave, the only essential difference between the two being that the one was sold for life, and the other for a term of years. The profits made by the ship-owners on the sale of these cargoes paid the expense of transporting them; the British Government by that means saving the expenditure which otherwise it would have had to incur for the purpose. At the same time it relieved itself from all responsibility with respect to the treatment of the convicts during the passage and after their arrival at the port of destination.*

Vested
interests.

Selling the
convicts.

Government
escaped
expenditure
and respon-
sibility.

The next section of the Act contains an open recognition of this right of property in the convict, the master or employer being described as "the owner or proprietor." It enacted that any offenders ordered to be transported, who should return before the expiration of their term, should be liable to suffer death: Provided that his Majesty might pardon and dispense with any such transportation, and allow of the return of any such offenders from America, "they paying their owner or proprietor, at the time of such pardon, dispensation or allowance, such sum of money as should be adjudged reasonable by any two Justices of the Peace residing within the province where such owner dwells."

Convict
might buy
his freedom.

* "Englishmen in authority, a little after the middle of the eighteenth century, did not let their left hand know what their right hand did; and at the very time when they asserted the freedom of black slaves brought to England from the colonies, they exported white convicts under sentence of transportation for sale to settlers in America. The sum received was the payment to the owners and captains of the transport ships for their trouble and risk; and it is said that the white slaves and the black were set to work together on the plantations, and were equally punished by the lash for idleness or disobedience."—Pike, History of Crime, vol. ii, p. 349.

1783 The contractors were to give security for the transportation of the convicts, and to procure certificates from the Governor, or Chief, or Custom-house Officer in the colony, of their having been duly landed.

Security
for trans-
portation.

On the cessation of transportation to the American colonies, the gaols became so crowded with prisoners that active measures became necessary for the purpose of preventing the evils with which society was threatened. The condition of the gaols and the sufferings of their inmates formed one of the great public questions in English politics during the last quarter of the eighteenth century. Howard's investigations on this subject extended over the years 1773-4-5, and his evidence before the House of Commons at that time led to several amendments of the existing law; but it took at least twenty years of continuous agitation to bring about the desired change for the better. During that period the state of the gaols, which threatened the community with outbreaks of pestilence as well as escapes of prisoners, formed a subject of the gravest importance, and the public interest in it seems to have reached its climax at the time when the projected expedition to Botany Bay was under consideration.*

State of the
gaols.

Howard.

Gaol fevers
and escapes.

One of the first measures adopted by the Government was the Act of Parliament passed in the year 1783† for the purpose of authorising the removal of convicts from the gaols to the hulks on the Thames, pending their transportation. The system of penal discipline known as "the hulks" was originally adopted in 1775, when an attempt was made to substitute that method of punishment for transportation. During the following fifteen years some 8,000 convicts were sentenced to hard labour on the hulks. The system was carried on by contract, the contractors providing the hulks and all necessities for their management, as well as provisions and clothing for the convicts, at the rate of £22 16s. 3d. for each convict.

The hulks.

The preamble of the Act referred to recited that, "from the unusually great number of offenders now under sentence or order of transportation, in the gaols within England and Wales, there is such a want of convenient and sufficient room in many of such gaols that very dangerous consequences are to be apprehended,

Crowded
gaols.

* It was in 1789 that Howard published his principal work on prison management,—The State of the Prisons in England and Wales. A fourth edition was published in 1792.

† 24 Geo. III, c. 12.

unless some immediate provision be made for removing such offenders to some other place of confinement." The Act then empowered any three Justices of the Peace, duly authorised for the purpose, to order the removal of male prisoners, under sentence of death or transportation, from any gaol to any ship or vessel in the Thames until they could be transported. During their confinement in that manner, prisoners were to be allowed to labour and to have half their earnings, but they were not to be forced to work, and the time of their imprisonment was to be deemed part of the term of transportation. Security was to be taken by bond from the contractors who undertook to transport the prisoners beyond the seas ; and any prisoners who should return to England before their time had expired, would be liable to suffer death.

1783-4

Removal from gaol to hulk, pending transportation.

Treatment on board.

This Act was followed by another* passed in the following year for "the effectual transportation of felons and other offenders, and to authorise the removal of prisoners in certain cases." It provided that any person convicted of a crime punishable by transportation might be ordered to be transported accordingly, and that his Majesty in Council might appoint to what place beyond the seas he might be sent. By the Act of 1718, transportation was confined to the colonies and plantations in America ; but as they ceased to be available for that purpose after their independence had been recognised in 1783, it became necessary to make other provisions. That was effected by the Act of 1784, which enabled the Government to appoint any place it might think proper by an Order-in-Council. No place had been determined upon at the time the Act was passed ; but the measure shows that the Government were then contemplating the foundation of a new colony in the shape of a penal settlement.

Place of transportation to be appointed by Order-in-Council.

Why the Act was passed.

Among the various classes of offenders for whom transportation was considered an appropriate punishment during the seventeenth and eighteenth centuries were—

Classes transported.

1. Quakers denying any oath to be lawful, or assembling themselves together under pretence of joining in religious worship—third offence. 13 and 14 Car. II, c. 1.

Quakers.

2. Notorious thieves and spoil-takers—commonly called moss-troopers—in Northumberland and Cumberland. 18 Car. II, c. 3.

Border thieves.

* 24 Geo. III, c. 56 (1784).

- Cloth-stealers.** 3. Persons found guilty of stealing cloth from the rack, or "bezzelling" his Majesty's stores to the value of 20s. 22 Car. II, c. 7.
- Rick-burners.** 4. Persons convicted of wilfully burning ricks of corn, hay, &c., or barns, &c., in the night-time. 22 and 23 Car. II, c. 7.
- Thieves.** 5. Persons convicted of larceny and other offences, and entitled to benefit of clergy, except receivers and buyers of stolen goods, transportation for seven years; felons excluded clergy, and receivers and buyers of stolen goods, fourteen years. 4 Geo. I, c. 11; 6 Geo. I, c. 23.
- Exporters of wool.** 6. Persons imprisoned for exporting wool, and not paying the sums recovered against them. 4 Geo. I, c. 11.
- Poachers.** 7. Persons convicted of entering into any park and killing or wounding any deer, without the consent of the owner. 5 Geo. I, c. 28.
- Perjurers and forgers.** 8. Persons convicted of perjury or forgery, afterwards practising in any Court as attorneys, &c., might, upon complaint to the judge thereof in a summary way be transported to the plantations for seven years. 12 Geo. I, c. 29.
- Perjurers.** 9. Persons convicted of perjury or subornation. 2 Geo. II, c. 25.
- Robbers.** 10. Persons convicted of assaulting others with offensive weapons and a design to rob. 7 Geo. II, c. 21.
- Poachers.** 11. Persons convicted a second time of hunting and taking away deer out of unenclosed forests or chaces; or of coming into a forest with an intent to steal deer, and beating and wounding the keepers. 10 Geo. II, c. 32; 31 Geo. II, c. 42.
- Exporters of wool.** 12. Persons resisting officers in seizing wool unlawfully exported. 12 Geo. II, c. 21.
- Vagrants and deserters.** 13. Vagrants or vagabonds escaping from house of correction, or from service in the Army or Navy. 17 Geo. II, c. 5.
- Linen-stealers.** 14. Persons convicted of stealing any linen, &c., laid to be printed, bleached, &c.—death, or transportation for fourteen years. 18 Geo. II, c. 27.
- Ecclesiastical offenders.** 15. Ministers of the Episcopal Church of Scotland exercising their functions in any Episcopal meeting-house in Scotland, without having registered their letters of orders, and taken all oaths required by law, and prayed for his Majesty and the Royal Family by name. First offence, six months' imprisonment; second, transportation for life. 19 Geo. II, c. 38.
- Rebels.** 16. Rebels returning from transportation without license, or voluntarily going into France or Spain—death, without benefit of clergy. 20 Geo. II, c. 46.

17. Persons convicted of entering mines of black-lead with intent **Blacklead-stealers.**
to steal, or hiring persons to do so. 25 Geo. II, c. 10.
18. Persons convicted of assaulting any magistrate or officer **Wreckers.**
engaged in the salvage of ships or goods from wreck. 26 Geo.
II, c. 19.
19. Persons convicted of solemnising matrimony without banns **Ecclesiastical offenders.**
or license. 26 Geo. II, c. 33.
20. Persons convicted of stealing fish in any water within a **Poachers.**
park, paddock, orchard, or yard, or receiving, aiding, and abetting.
5 Geo. III, c. 14.

ORDER-IN-COUNCIL.

IT was under the provisions of the statute passed in 1784 that, **1786**
by an Order-in-Council made on the 6th December, 1786, "the
eastern coast of New South Wales" was declared and appointed
to be the place to which certain offenders, named in two lists
annexed to the Order, should be transported. Some historical
interest consequently attaches to it, seeing that it contains the
fiat by which New South Wales was created a penal station.

At a Council held at the Court of St. James's, on 6 December,
1786, the following Order was made :—

Whereas by the Act passed in the twenty-fourth year of the **24 Geo. III, c. 56.**
reign of his present Majesty, intituled An Act for the Effectual
Transportation of Felons and other offenders, and to authorise the
Removal of Prisoners in certain cases, and for other purposes
therein mentioned, it is enacted that from and after the passing of
the said Act, when any person or persons at any session of Oyer
and Terminer or Gaol Delivery, or at any Quarter or other General
Session of the peace, to be holden for any county, riding, division,
city, town, borough, liberty, or place within that part of Great
Britain called England, or at any great session to be holden for
the County Palatine of Chester, or within the Principality of
Wales, shall be convicted of fraud or petty larceny, or any other
offence for which such person or persons shall be liable by the laws
of this realm to be transported, it shall and may be lawful for the
Court before which any such person or persons shall be so con-
victed as aforesaid, or any subsequent Court holden at any place
for the said county, riding, division, city, town, borough, liberty,
or place, respectively, with like authority, to order and adjudge
that such person or persons so convicted as aforesaid shall be trans-
ported beyond the seas for any term of years, not exceeding the

Court may
order trans-
portation.

1786
Order-in-Council may
appoint
place for
transporta-
tion.

number of years or term for which such person or persons is or are or shall be liable by any law to be transported ; and in every such case it shall and may be lawful for his Majesty, by and with the advice of his Privy Council, to declare and appoint to what place or places, part or parts, beyond the seas, either within his Majesty's dominions, or elsewhere out of his Majesty's dominions, such felons or other offenders shall be conveyed or transported: And such Court as aforesaid is thereby authorised and empowered to order such offenders to be transported to the use of any person or persons, and his or their assigns, who shall contract for the due performance of such transportation :

Court may
order trans-
fer of con-
victs to
contractor.

And when his Majesty, his heirs and successors, shall be pleased to extend mercy to any offender or offenders who hath or have been or shall be convicted of any crime or crimes for which he, she, or they is, are, or shall be by law excluded from the benefit of clergy, upon condition of transportation to any place or places, part or parts beyond the seas, either for term of life, or any number of years, and such intention of mercy shall be signified by one of his Majesty's Principal Secretaries of State, it shall be lawful for any Court having proper authority to allow such offender or offenders the benefit of a conditional pardon, and (except in cases where such offender or offenders shall be authorised by his Majesty to transport himself, herself, or themselves) to order the transfer of such offender or offenders to any person or persons who shall contract for the due performance of such transportation, and his or their assigns, for such and the same terms of years for which such offender or offenders shall have been ordered to be transported, or for such term of life or years as shall be specified in such condition of transportation as aforesaid :

New South
Wales ap-
pointed.

And whereas it hath been represented to his Majesty that the several offenders whose names are contained in the list hereunto annexed have been transported, or ordered to be transported, to parts beyond the seas, his Majesty doth hereby judge fit, by and with the advice of his Privy Council, to declare and appoint the place to which the several offenders shall be transported for the term or terms in their several sentences mentioned, to be the eastern coast of New South Wales, or some one or other of the islands adjacent ; and all persons whom it may concern are to give the necessary directions for causing the said several offenders to be conveyed or transported to the eastern coast of New South Wales, or some one or other of the islands adjacent, in the manner directed by the said Act.*

* At a Council held at the Court of St. James's on December 22, 1786, a similar order was made, referring to females only. These, and other convicts previously sentenced to be transported to America, were directed to be "transported to the eastern coast of New South Wales, or some one or other of the islands adjacent."

THE ACT OF PARLIAMENT ESTABLISHING THE COLONY.

THE Orders-in-Council were followed by the Act 27 Geo. III, c. 2, 1787 passed in the year 1787, "to enable his Majesty to establish a Criminal Judicature on the eastern coast of New South Wales and the parts adjacent."

Whereas by an Act made and passed in the twenty-fourth year of his present Majesty's reign, intituled—An Act for the effectual ^{24 Geo. III, c. 56.} transportation of felons and other offenders, and to authorise the removal of prisoners in certain cases, and for other purposes therein mentioned, it is enacted that, from and after the passing of that Act, when any person or persons at any Sessions of Oyer or Terminer or Gaol Delivery, or at any Quarter or other General Session of the Peace to be holden for any county, riding, division, city, town, borough, liberty, or place, within that part of Great Britain called England, or at any Great Session to be holden for the County Palatine of Chester, or within the Principality of Wales, shall be lawfully convicted of grand or petit larceny, or any other offence for which such person or persons shall be liable by the laws of this realm to be transported, it shall and may be lawful for the Court before which any such person or persons shall be convicted as aforesaid, or any subsequent Court holden at any place for the same county, riding, division, city, town, borough, liberty, or place respectively, with like authority, to order and adjudge that such person or persons so convicted as aforesaid shall be transported beyond the seas for any term of years not exceeding the number of years or terms for which such person or persons is or are or shall be liable by any law to be transported ; and in any such case it shall or may be lawful for his Majesty, by and with the advice of his Privy Council, to declare and appoint to what place or places, part or parts, beyond the seas, either within his Majesty's dominions, or elsewhere out of his Majesty's dominions, such felons or other offenders shall be conveyed or transported : ^{Court may order transportation.} And such Court as aforesaid is thereby authorised and empowered to order such offenders to be transferred to the use of any person or persons, and his or their assigns, who shall contract for the due performance of such transportation : ^{Order-in-Council may appoint place of transportation.}

And when his Majesty, his heirs and successors, shall be pleased to extend mercy to any offender or offenders who hath or have been, or shall be convicted of any crime or crimes, for which he, she, or they is or shall be by law excluded from the benefit of clergy, upon condition of transportation to any place or places, part or parts, beyond the seas, either for term of life, or any

1787 number of years, and such extension of mercy shall be signified by one of his Majesty's Principal Secretaries of State, it shall be lawful for any Court, having proper authority, to allow such offender or offenders the benefit of a conditional pardon, and (except in cases where such offenders shall be authorised by his Majesty to transport himself, herself, or themselves) to order the transfer of such offender or offenders to any person or persons who shall contract for the due performance of such transportation, and his or their assigns, for such and the same term of years for which any such offender or offenders shall have been ordered to be transported, or for such term of life or years as shall be specified in such condition of transportation :

Court may order transfer of convicts to contractor.

Order-in-Council appointing New South Wales.

And whereas his Majesty, by two several Orders-in-Council, bearing date respectively on the sixth day of December, 1786, hath judged fit, by and with the advice of his Privy Council, to declare and appoint the place to which certain offenders, named in two lists to the said several Orders-in-Council annexed, should be transported for the time or term in their several sentences mentioned, to be the eastern coast of New South Wales, or some one or other of the islands adjacent :

Order of Court for transportation.

And whereas Sir James Eyre, Knight, and Sir Beaumont Hotham, Knight, two of the Barons of his Majesty's Court of Exchequer of the degree of the coiffe, according to the authority to them given by the said statute, did, on the thirtieth day of December, 1786, order that the said several offenders, in the said several lists to the said several Orders-in-Council annexed, should be transported to the place and for the time and terms aforesaid :

Colony and civil government.

Criminal Court.

And whereas it may be found necessary that a colony and a civil Government should be established in the place to which such convicts shall be transported, under and by virtue of the said Act of Parliament, the said two several Orders of Council, and other the said above-recited Orders, and that a Court of Criminal Jurisdiction should also be established within such place as aforesaid, with authority to proceed in a more summary way than is used within this realm, according to the known and established laws thereof :

Government may convene Criminal Court.

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, that his Majesty may, by his Commission under the Great Seal, authorise the person to be appointed Governor, or the Lieutenant-Governor in the absence of the Governor, at such place as aforesaid, to convene from time to time, as occasion may require, a Court of Judicature for the trial and punishment of all such outrages and misbehaviours as, if committed within this realm, would be deemed and taken, according to the laws of this realm, to be treason or misprision thereof, felony or

misdeemeanor, which Court shall consist of the Judge-Advocate, to be appointed in and for such place, together with six officers of his Majesty's forces by sea or land ; 1787
How composed.

Which Court shall proceed to try such offenders by calling such offenders respectively before that Court, and causing the charge against him, her, or them respectively, to be read over, which charge shall always be reduced into writing, and shall be exhibited to the said Court by the Judge-Advocate, and by examining witnesses upon oath, to be administered by such Court, as well for as against such offenders respectively, and afterwards adjudging by the opinion of the major part of the persons composing such Court, that the party accused is or is not (as the case shall appear to them) guilty of the charge, and by pronouncing judgment therein (as upon a conviction by verdict) of death, if the offence be capital, or of such corporal punishment not extending to capital punishment, as to the said Court shall seem meet; and in cases not capital, by pronouncing judgment of such corporal punishment, not extending to life or limb, as to the said Court shall seem meet. Method of procedure.

Judgment of death or corporal punishment.

II. And be it further enacted that the Provost-Marshal, or other officer to be for that purpose appointed by such Governor or Lieutenant-Governor, shall cause due execution of such judgment to be had and made under and according to the warrant of such Governor or Lieutenant-Governor in the absence of the Governor, under his hand and seal, and not otherwise : Provost-Marshal.

Provided always that execution shall not be had or done on any capital convict or convicts, unless five persons present in such Court shall concur in adjudging him, her, or them, so accused and tried as aforesaid, to be respectively guilty, and until the proceedings shall have been transmitted to his Majesty and by him approved. In capital cases five must concur.

III. And be it so enacted by the authority aforesaid that the said Court shall be a Court of Record, and shall have all such powers as by the laws of England are incident and belonging to a Court of Record.* Court to be a Court of Record.

CROMWELL'S PRISONERS.

AFTER the battle of Worcester, when the Scottish army which invaded England to reinstate Charles I was defeated by Cromwell on 3rd September, 1651, and 10,000 prisoners were taken, the Scottish prisoners were brought to London, and marched through the city into Tothill Fields. Most of the common soldiers—according to an old chronicle—"were sent to the English plantations, 1651
Prisoners of war.

* The Act is silent about the Court of Civil Jurisdiction ; post, p. 531.

1651 and 1,500 of them were granted to the Guiney merchants, and sent to work in the gold-mines there." "All the foot, and others who were taken in the town [of Worcester], except some few officers and persons of quality, were driven like cattle, with a guard, to London, and there treated with great rigour; and many perished for want of food, and being enclosed in little rooms till they were sold to the plantations for slaves, they died of all diseases."—Clarendon, History, book xiii. "It is pretended, of the Scots there were slain about 2,000, and 7,000 or 8,000 taken prisoners, who, being sent to London, were sold for slaves to the plantations of the American isles."—Rapin, History of England. Heath's Chronicle, p. 301, ed. 1676, describes the prisoners as "driven like a herd of swine through Westminster to Tothill Fields, and there sold to several merchants, and sent into the Barbadoes." The prisoners, according to another authority cited in Notes and Queries, Nov. 30, 1850, p. 448, were "sold away slaves, at half-a-crown a dozen, for foreign plantations, among savages." And Echard, History of England, vol. ii, p. 727, says that Cromwell "marched off triumphantly to London, driving 4,000 or 5,000 prisoners like sheep before him, making presents of them, as occasion offered, as of so many slaves, and selling the rest for that purpose into the English plantations abroad."

Slavery in
the
plantations.

Law of
Nations.

By the *jus gentium* of that time, all prisoners taken in war were slaves, and could be transported beyond the seas.

TRANSPORTATION TO AMERICA.

1685 "THE prisoners condemned to transportation were a saleable commodity. Such was the demand for labour in America, that convicts and labourers were regularly purchased and shipped to the colonies, where they were sold as indented servants. The courtiers round James II exulted in the rich harvest which Monmouth's rebellion promised, and begged of the monarch frequent gifts of their condemned countrymen. Judge Jeffries heard of the scramble, and indignantly addressed the King:—'I beseech your Majesty that I may inform you that each prisoner will be worth £10, if not £15, apiece; and, sir, if your Majesty orders these as you have already designed, persons that have not suffered in the service will run away with the booty.' At length the spoils were distributed. The convicts were in part persons of family and education, accustomed to ease and elegance. 'Take all care,' wrote the monarch, under the countersign of Sunderland, to the Government in Virginia, 'that they continue to serve for ten years at

Sale of
convicts.

Market
value.

least, and that they be not permitted in any manner to redeem themselves by money or otherwise until that term be fully expired. Prepare a Bill for the Assembly of our colony, with such clauses as shall be requisite for this purpose. No Virginia Legislature seconded such malice, and in December, 1689, the exiles were pardoned. Tyranny and injustice peopled America with men nurtured in suffering and adversity. The history of our colonisation is the history of the crimes of Europe.

1685

Colonisation
and crime.

“Thus did Jeffries contribute to people the New World. On another occasion he exerted an opposite influence. Kidnapping had become common in Bristol, and not felons only, but young persons and others, were hurried across the Atlantic and sold for money. At Bristol, the Mayor and Justices would intimidate small rogues and pilferers, who, under the terror of being hanged, prayed for transportation as the only avenue to safety, and were then divided among the members of the Court. The trade was exceedingly profitable—far more so than the slave trade—and had been conducted for years. By accident, it came to the knowledge of Jeffries, who delighted in a fair opportunity to rant. Finding that the Aldermen, Justices, and the Mayor himself were concerned in this kidnapping, he turned to the Mayor, who was sitting on the Bench, bravely arrayed in scarlet and furs, and gave him every ill name which scolding eloquence could devise. Nor would he desist till he made the scarlet chief magistrate of the city go down to the criminal’s post at the bar, and plead for himself as a common rogue would have done. The prosecutions depended till the revolution, which made an amnesty; and the judicial kidnappers, retaining their gains, suffered nothing beyond disgrace and terror.” —Bancroft, *History of the United States*, c. xiv; *The Colonies on the Chesapeake Bay*.

Kidnapping.

The trade
at Bristol.Hand
dandy.

The scene between Jeffries and the Mayor of Bristol is described in North’s *Life of the Lord Keeper Guildford*, vol. ii, p. 24, as follows:—

“There had been an usage among the Aldermen and Justices of that city [Bristol]—where all persons, even common shopkeepers, more or less, trade to the American plantations—to carry over criminals who were pardoned with condition of transportation, and to sell them for money. This was found to be a good trade, but not being content to take such felons as were convicted at their assizes and sessions, which produced but a few, they found out a shorter way, which yielded a greater plenty of the commodity. And that was this: The Mayor and Justices, or some of them, usually met at their tolsey (a Court-house by their Exchequer) about noon, which was the meeting of the merchants, as at the Exchange at London; and there they sat and did justice—business

The Mayor
and his men.

that was brought before them. When small rogues and pilferers were taken and brought there, and upon examination put under the terror of being hanged, in order to which mittimus were making, some of the diligent officers attending instructed them to pray transportation as the only way to save them; and for the most part they did so. Then no more was done; but the next alderman in course took one and another as their turns came, sometimes quarrelling whose the last was, and sent them over and sold them. This trade had now been driven for many years and no notice taken of it."

Praying for transportation.

A righteous judgment.

North then relates how Jeffries pounced upon the Mayor, put him in the dock, and made him plead for himself, "as a common rogue or thief must have done"; finally taking security from him and his accomplices to answer informations in the King's Bench.

EARLY VIRGINIAN PLANTERS.

Historical fiction.

DE FOE, in many of his writings, and especially in his novel—*The Fortunes and Misfortunes of the Famous Moll Flanders*, published in 1721—supplies a good deal of information with respect to the transportation system as it was carried out at the time he wrote. The following extracts show how largely the system prevailed at that time; the classes of people who were sent out to the plantations; the practice of dealing with convicts ordered for transportation; and the custom established in America of buying them from the captains of the vessels in which they were transported:—

Two classes of colonists.

"Among the rest, she often told me how the greatest part of the inhabitants of that colony [Virginia] came thither in very indifferent circumstances from England; that, generally speaking, they were of two sorts—either, 1st, such as were brought over by masters of ships to be sold as servants; or, 2nd, such as were transported after having been found guilty of crimes punishable with death.

Convicts in the plantations.

"When they come here we make no difference; the planters buy them, and they work together in the field till their time is out; when 'tis expired they have encouragement given them to plant for themselves, for they have a certain number of acres of land allotted them by the country, and they go to work to clear and cure the land, and then to plant it with tobacco and corn for their

own use ; and as the merchants will trust them with tools and necessities upon the credit of their crop before it is grown, so they again plant every year a little more than the year before, and so buy whatever they want with the crop that is before them. Hence, child, says she, many a Newgate bird becomes a great man, and we have several Justices of the Peace, officers of the trained bands, and magistrates of the towns they live in, that have been burnt in the hand. . . . You need not think such a thing strange, daughter, for some of the best men in the country are burnt in the hand, and they are not ashamed to own it. There's Major —— ; he was an eminent pickpocket ; there's Justice ——, was a shop-lifter, and both of them were burnt in the hand, and I could name you several, such as they are.”

1721

Burnt in the hand.

In another passage the author describes the practice of buying and selling the convicts. The heroine of his story, having been convicted of stealing in a dwelling, was sentenced to death, but transported on “an humble petition for transportation.” Her husband was a highwayman captured on suspicion, but not tried, and allowed to transport himself :—

Petition for transportation.

“When we drew near to the shore [of Virginia], the captain called me to him and told me that he found by my discourse I had some relations in the place, and that I had been there before, and so he supposed I understood the custom in their disposing the convict prisoners when they arrived. I told him I did not. . . . He told me I must get somebody in the place to come and buy me as a servant, and who must answer for me to the Governor of the country if he demanded me. I told him we should do as he should direct ; so he brought a planter to treat with him, as it were, for the purchase of me for a servant (my husband not being ordered to be sold), and there I was formally sold to him, and went ashore with him. The captain went with us. . . . After some time the planter gave us a certificate of discharge and an acknowledgment of having served him faithfully, and I was free from him the next morning to go whither I would. For this piece of service the captain demanded of me six thousand-weight of tobacco, which he said he was accountable for to his freighter, and which we immediately bought for him, and made him a present of twenty guineas besides, with which he was abundantly satisfied.”

Bargain and sale of convicts.

The practice of kidnapping people in the streets, and shipping them out to Virginia to be sold as indented servants, forms the subject of several incidents in another of De Foe's novels—Colonel Jack. And a paper On the Return to England of Transported Felons, published by him in Applebee's Journal, January 26, 1723, contains some interesting matter on that subject.

Return to England.

TRANSPORTATION TO THE WEST INDIES.

1774 "THE lower order of white people [in Jamaica] are for the most part composed of artificers, indented servants, and refugees. Of the second class, great numbers used formerly to be brought from Scotland, where they were actually kidnapped by some *man-traders* in or near Glasgow, and shipped for this island, to be sold for four or five years' term of service. On their arrival they used to be ranged in a line, like new negroes, for the planters to pick and choose. But this traffic has ceased for some years.

Kidnapping
in Scotland.

Transporta-
tion to
Jamaica.

"Although the gaol delivery of Newgate is not poured in upon this island, yet it is an occasional asylum for many who have deserved the gallows. . . . Formerly, convict felons were transported hither, but the inconvenience attending the admission of such miscreants obtained the inhabitants a relief from them. While the traffic for Scotch servants lasted, the Legislature of the island lent their helping hand to give it encouragement, and in 1703 it was enacted that a master of any ship importing thirty white men-servants at one time should be for that voyage exempted from paying all port charges. . . . Convicts are excepted out of this Act, and none have of late years been sent over, unless to the regiments, whose service here is not much advanced by such recruits.

Indented
servants.

"The indented servants, in their condition, were little better than slaves during their term of service. They were allowed yearly three shirts, as many pairs of drawers, shoes, and stockings, and a hat or cap. . . . They were subjected to various penalties for misdemeanour, viz. :—For laying violent hands on their employer, twelve months' extra service; embezzling or wasting goods of above 40s. value, two years' extra service; getting a fellow-servant with child, a service of double the time the woman had to serve; marrying without the consent of their master or mistress, two years' extra service; wilfully catching the venereal or other disease, or wilfully getting broken bones, bruises, &c., to serve double the time thereby lost, and for all charges thereby occasioned at 10s. a month after the expiration of their indentures. . . . The only material provisions in their favour were :—That they should not be whipped naked without order of a Justice of the Peace; nor be turned off when grown infirm, under pretence of giving them freedom; nor be buried until the body had been viewed by a Justice of the Peace, constable, tythingman, or two neighbours.

Their
privileges.

"But the penal clauses of these Acts have long since been extinct, and at present [1774] our white indented servants are laid under few restrictions, except so far as respects their serving out their term. The wages paid in these cases varied from £14 to £18 a year."—The History of Jamaica [anon.], London, 1774, vol. ii, p. 287.

AN OFFICIAL ESTIMATE OF TRANSPORTATION.

THE following extract from an official letter, bearing date 29 January, 1787, written by Duncan Campbell, superintendent of the convicts on the river Thames, for the information of the Government, furnishes a basis for calculating the number sent annually to America :—

It appears by a calculation I made for the information of the House of Commons some years since, that, upon an average of seven years—from 1769 to 1775, both inclusive—I transported five hundred and forty-seven convicts annually from London, Middlesex, Bucks, and the four counties of the Home Circuit, and that one hundred and seventeen of those transports were women. I always looked upon the number from the other parts of the Kingdom to be equal to what was transported by me.

Number
sent
annually
in seven
years.

According to this estimate, the number of convicts transported annually to the American colonies during the period referred to was about one thousand one hundred.

DR. LANG'S ESTIMATE.

“It is no longer possible to ascertain with any degree of accuracy the number of convicts transported to the West Indies and the American colonies previous to the war of American Independence. During the publication of the *Encyclopédie Méthodique*, in the year 1785, the article *Etats Unis* was submitted by its author, M. Meusnier, to the President Jefferson, who was then American Minister Plenipotentiary at the Court of France ; and in reference to this class of persons, to which the French editor had alluded as one of the three classes that peopled America, Jefferson supplied him with the following remarks [quoted ante, p. 19] :—

Jefferson
and the
French
encyclo-
pædist.

“It is pretty evident, from the tenor of these observations, that this was by no means a favourite subject with the worthy Plenipotentiary, whose native patriotism, as well as his laudable desire to make his countrymen stand as well as possible with their good allies, doubtless induced him to throw a little American dust in the eyes of the French encyclopædist. For while he would induce the reader, at the commencement of his remarks, to believe that not more than two thousand English convicts had ever been transported to America altogether, he intimates at the close of them that this estimate referred to the colony of Virginia alone, the comparison which he institutes being made with the population of that colony at the commencement of the war, and not with that of the United States generally.

Basis of
calculation.

Lord Auckland's estimate. "On the publication of Governor Phillip's Voyage to New South Wales in the year 1790,* an estimate of the number of convicts annually transported to America for some time previous to the war, was made expressly for that work (if I am not mistaken) by the Honorable Mr. Eden, afterwards Lord Auckland, a nobleman who had much better access to correct information on the subject of transportation than President Jefferson; who, besides, had no prejudice to bias him respecting it, and who had himself been in America in the capacity of envoy-extraordinary from Great Britain during the war; and the result of that estimate was, that the number so transported had been about two thousand every year.

Dr. Lang's. "Allowing, however, that this estimate was as much above the truth as President Jefferson's was below it, I conceive it may be taken for granted that, as the system of transporting criminals to America had been in practice from the year 1619, or for one hundred and fifty-seven years previous to the American Declaration of Independence, as many convicts had been transported to America during that period as would have amounted to at least five hundred every year for a whole century previous to the war, or to fifty thousand altogether.

No convicts sent to New England. "It would seem that none of the convicts were ever transported to that part of the American territory called New England, comprising the States of Massachusetts, Connecticut, New Hampshire, Maine, Vermont and Rhode Islands. The puritanical character and origin of their population preclude such an idea.

Area of transportation. "The American colonies to which convicts were transported under the old system were those of Virginia, Maryland, Delaware, North and South Carolina, Georgia, New Jersey, New York, and Pennsylvania; the population of which amounted at the commencement of the war to 1,800,000, that of the New England colonies being about 700,000. It was, therefore, over a territory extending from north to south from six to seven hundred geographical miles, and of boundless extent to the westward—a country, moreover, containing at the close of the period referred to a population of upwards of a million and a half—that 50,000 British convicts were slowly dispersed in the course of a century and upward. These convicts were literally "bought by the planters for the terms specified in their respective warrants, and worked with their negro slaves under the lash of an overseer," as is testified by a contemporary writer; for it would seem that the British Government of that period never inquired how the convicts were treated in the American colonies, provided they were only prevented from returning home."—Dr. Lang, Transportation and Colonisation, 1837, p. 35.

Convicts and slaves.

* The only estimate to be found in it appears in a foot-note (p. 6), where it is stated that "the mercantile returns" of the system amounted to £40,000 per annum; "about 2,000 convicts being sold for £20 each."

STATISTICS OF TRANSPORTATION.

THE following Return, showing the Number of Convicts Transported to New South Wales, from 1787 to 1841, when Transportation to the Colony ceased, has been prepared by T. A. Coghlan, Esq., the Government Statistician, from the authorities mentioned :—

Year.	From England.		From Ireland.		From British Colonies and Possessions.		Total.		General Totals.
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
1787 ..	564	192	....	....	....	....	564	192	756
*1789 ..	994	245	....	....	....	....	994	245	1,239
*1791 ..	2,121	286	....	....	....	....	2,121	286	2,407
*1792 ..	314	54	....	....	....	....	314	54	368
*1793 ..	1	....	....	....	....	....	1	....	1
*1794 ..	35	59	....	....	....	....	85	59	94
1795 ..	1	131	152	70	....	....	153	201	354
1796 ..	190	....	134	43	....	....	324	43	367
1797 ..	237	94	....	....	....	....	287	94	381
1798 ..	206	....	402	50	....	....	608	50	658
1799 ..	257	50	....	....	....	....	257	50	307
1800 ..	166	87	....	....	....	....	166	87	253
1801 ..	448	96	496	88	....	....	944	184	1,128
1802 ..	271	130	....	....	....	....	271	130	401
1803 ..	494	136	....	....	....	....	494	136	630
1806 ..	125	35	254	165	....	....	379	200	579
1806 ..	195	106	....	....	....	....	195	106	301
1807 ..	....	97	....	....	....	....	....	97	97
1808 ..	197	140	....	192	....	....	197	332	529
1809 ..	197	121	....	....	....	....	197	121	318
1810 ..	592	100	139	40	....	....	731	140	871
*1811 ..	573	99	....	....	....	....	573	99	672
*1812 ..	360	167	135	....	....	....	495	167	662
*1813 ..	501	119	318	....	....	....	819	119	938
*1814 ..	583	232	282	....	....	....	865	232	1,097
*1815 ..	803	101	300	....	....	....	1,103	101	1,204
*1816 ..	1,188	101	149	1	....	....	1,337	102	1,439
*1817 ..	1,518	101	520	89	....	....	2,038	190	2,228
*1818 ..	2,095	126	670	101	....	....	2,765	227	2,992
*1819 ..	2,180	148	724	78	....	....	2,904	226	3,130
*1820 ..	2,597	121	845	....	....	....	3,442	121	3,563
*1821 ..	2,159	211	480	80	....	....	2,639	291	2,930
*1822 ..	856	57	....	....	....	....	856	57	913
*1823 ..	651	119	....	....	....	....	651	119	770
1825 ..	764	140	901	111	....	....	1,665	251	1,916
1826 ..	679	....	1,036	100	....	....	1,715	100	1,815
1827 ..	1,239	342	846	160	....	....	2,085	502	2,587
1828 ..	1,589	179	752	192	....	....	2,341	371	2,712
1829 ..	2,008	819	1,163	174	....	....	3,171	493	3,664
1830 ..	2,096	128	685	316	....	....	2,781	444	3,225
1831 ..	1,437	206	692	298	....	....	2,129	504	2,633
1832 ..	1,793	248	923	133	32	....	2,753	381	3,134
1833 ..	2,635	375	794	261	19	2	3,498	638	4,136
1834 ..	1,877	282	781	173	46	2	2,704	457	3,161
1835 ..	2,044	177	1,324	....	55	2	3,423	179	3,602
1836 ..	2,124	274	952	304	80	....	3,156	668	3,824
1837 ..	2,078	235	737	298	77	....	2,892	533	3,425
1838 ..	1,528	172	1,067	161	145	....	2,740	333	3,073
1839 ..	1,157	313	372	414	36	1	1,505	728	2,233
1840 ..	1,089	212	912	249	112	....	2,113	461	2,574
1841 ..	269	212	177	249	32	....	478	461	939
Totals..	50,175	7,675	20,119	4,680	634	7	70,928	12,362	83,290
Grand Total									83,290

* Transported from the United Kingdom. In other years the numbers of convicts arriving in New South Wales are given.

Statistics
of trans-
portation.

These tables have been compiled from the following authorities* :—

- 1787 Collins, Account of the English Colony in New South Wales ; introduction, p. III.
- 1789 to 1794... A return of the number of persons, male and female, who have been transported as convicts to New South Wales since the first establishment of the colony, ordered by the House of Commons to be printed, 15th February, 1810.
- 1795 to 1810... Appendix, 29 and 30, to report of Select Committee on Transportation, ordered by the House of Commons to be printed, 10th July, 1812.
- 1811 to 1820... Account of the total number of ships which have proceeded from ports of Great Britain and Ireland with convicts for New South Wales, ordered by the House of Commons to be printed, 19th April, 1821 ; and a Return of the number of convicts, male and female, sent out of the United Kingdom from 5th January, 1816, to 5th January, 1822, ordered by the House of Commons to be printed, 27th March, 1822.
- 1821 to 1823... Account of convicts transported to British Colonies during 1822 and 1823, ordered by the House of Commons to be printed, 18th March, 1824.
- 1825 to 1841... From the records in the office of the Government Statistician.

* All the returns on this subject, so far as they relate to the First Fleet, differ from one another :—

PHILLIP'S VOYAGE contains, in an appendix, "a list of Convicts sent to New South Wales in 1787," giving their names, where convicted, date of conviction, and term of sentence. The total number thus stated amounts to 775. But a summary in the preface gives different results ; the number being :—600 male convicts, 250 females ; total, 850 ; while another summary at p. 13 makes the number of male convicts, 586 ; of female, 192 ; total, 778.

LIEUTENANT KING'S MS. JOURNAL of the Voyage to Botany Bay gives a specific account of each ship in the Fleet, including the number of convicts on board the transports. The number of male convicts is stated by him at 563, the female at 189 ; total, 752.

COLLINS, in the introduction to his Account of the Colony, gives a similar return, showing the number of male convicts on board at 564 ; of females, 192 ; total, 756.

The HISTORY OF NEW HOLLAND, published by Stockdale in 1787, before the departure of the Fleet, states the number of male convicts at 600 ; of females at 178 ; total, 778.

COLQUHOUN, Police of the Metropolis, p. 472, gives the returns from 1787 to 1797 from Parliamentary Papers, differing slightly from those above.

The following Return, compiled from the Census of 1841, shows the Number of Persons then Living who were, or had been previously, under Sentence of Transportation.

	Persons originally Convict, but Free by Servitude or by Pardon.						Convict.						Total Population originally Convict.		
	M.			F.			With Tickets of Leave.		In Government Employment.		Under Private Assignment.		Males.	Females.	Total.
	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.
New South Wales	14718	3630	18248	5718	314	6032	4546	978	5523	11104	1830	12984	21367	3192	24489
Port Phillip District	1034	106	1140	124	2	126	155	1	156	239	3	242	518	0	524
Moreton Bay District ..	6	1	7	1	..	1	130	..	130	...	2	2	131	2	133
Norfolk Island	2	..	2	..	..	..	1828	..	1828	...	3	3	1828	3	1831
													38085	6652	42737
													1552	112	1664
													137	3	140
													1830	3	1833

Statistics of transportation.

WARRANTS FOR TRANSPORTATION TO AMERICA.

GEORGE R.

1783 WHEREAS a contract having been made with our trusty and well-beloved George Moore for conveying to North America certain felons whose names are hereafter mentioned, who, in consequence of crimes they have committed, have been sentenced to be transported to some of our plantations in North America, which felons are now on board the Censor and Justitia hulks in your custody; our will and pleasure is that you forthwith deliver over to the said George Moore the bodies of the said convicts, viz.:— in order to their being effectually transported to North America pursuant to their respective sentences, and for so doing this shall be your warrant.

Transportation to British America.

Given at our Court at St. James's, the twelfth day of August, 1783, in the twenty-third year of our reign.

To our trusty and well-beloved Duncan Campbell, Esq., Superintendent of the Convicts in the river Thames.

By his Majesty's command,

NORTH.*

CONTEMPORARY OPINIONS.

ONE of the most important periodicals published in England towards the close of the last century was the Annual Register, founded in 1758 by Edmund Burke. It purported to give a summary of the history of each year, including the most notable events in the domestic annals of the country. The volume for 1787 contains no mention of the Expedition to Botany Bay, which sailed in May of that year; and the only reference to it in the volume for 1788 (p. 205) is the following:—

The Annual Register.

By the last accounts received from the fleet for Botany Bay, they arrived at the Cape of Good Hope on the 13th of October last, and expected to sail again about the middle of November, and to proceed directly for their place of destination. They were very healthy, and the convicts very orderly. The number of deaths from England to the Cape amounted to twenty-one.

* The Coalition Ministry was in office from April to December, 1783.

Next in rank to the Annual Register stood the Gentleman's ^{The Gentleman's} Magazine, originally published in 1731, and still in existence as a ^{Magazine.} monthly. It did not approve of the Expedition; and in the number for October, 1786, the following comments appeared in it:—

A plan is said to be formed, and now actually carrying into execution, for settling a new colony at Botany Bay, in New Holland, at which place Lieutenant Cook, in 1770, made some stay to repair his ship and refresh his men. As the ostensible design of the projectors is to prepare a settlement for the reception of felons, no place, in the opinion of many, can be more improper for that purpose than Botany Bay, to which it is impossible they can be transported at any moderate expense, nor supported, when they arrive, without a miracle. The eastern coast of New Holland is, perhaps, the most barren, least inhabited, and worst cultivated country in the southern hemisphere; and Botany Bay is at too great a distance from any European settlement to receive either succour or friendly assistance. The establishment is said to consist of a Post-Captain, a Governor, with a salary of £500 a year; a Master and Commander, a Lieutenant-Governor, with £300 a year; four captains, twelve subalterns, twelve sergeants, and one hundred and sixty rank and file from the marines, a surgeon, chaplain, adjutant, and quarter-master. The whole equipment—army, navy, and felons—are to be supplied with two years' provisions and all sorts of implements for the culture of the earth and hunting and fishing; and some light buildings are to be run up immediately, till a proper fort and town-house are erected. If this report is true, the expense will be equal to that of an expedition to the South Sea against an enemy; and if it is to be continued with every freight of felons, it will annihilate the surplus that is intended for augmenting the fund appropriated for the payment of the national debt. It is certainly a most extravagant scheme, and probably will be reconsidered.

Objections
to Botany
Bay.

An extra-
vagant scheme.

In the November number of the Magazine, a letter from a correspondent quotes several passages from Cook's Voyage from 28 April to 5 May, 1770, describing the barren nature of the land and the "bloodthirsty" disposition of the aborigines. Another correspondent replied in the December number, stating the great care that to his knowledge was then being taken to provide for the comfort of the convicts, and expressing a hope that "this colony may one day flourish and be respectable."

Pro and con.

Among the contemporaries of the Gentleman's Magazine and the Annual Register, the Monthly Review—founded in 1749, and regularly published until 1844—held a prominent place; but the only reference to the Expedition to be found in its pages (vol. lxxv,

The Monthly
Review.

p. 475) appeared in the shape of a critical notice of a pamphlet, in which the project was roughly handled by an anonymous writer, said to be Alexander Dalrymple :—

Dalrymple's
views.

A Serious Admonition to the Public on the intended Thief-Colony at Botany Bay. 8vo., 1s. 6d.—Sewel, 1786.

The East
India
Company.

The author objects to the plan of sending convicts to New Holland on several accounts. He thinks it unadvisable for us to establish new colonies, especially at so great a distance from home, while the country is still smarting for a war with her own colonies, whom she found herself unable to keep in dependence. His next argument is founded on the idea that the scheme would be an infringement on the charter of the East India Company granting to them an exclusive trade and navigation from the Cape of Good Hope to the Streights of Magellan, within which boundaries New Holland is situated. The great expence necessary to keep the convicts in subjection, after their landing, as well as that of transporting them thither, forms another of this gentleman's objections to the intended plan : he likewise shews the great inconveniences that must arise if the colonists are left entirely to themselves. The arguments of our author are by no means those of an inexperienced man, either in politics or in trade ; yet his style, we are sorry to observe, is neither so polite as a public admonition and strictures on the conduct of Government require, nor is it altogether free from rancour.

Tristan
Da Cunha.

After having thus stated, and in a good measure demonstrated, the truth of his objections, our author proposes a scheme of sending convicts to another place, which he apprehends will be attended with less expence to the public, and free from the objections to which the former is liable. He would transport them to the Island of Tristan Da Cunha, where, on account of its situation, Governors and guards would be unnecessary ; and he would have them left there to themselves, without arms, and with such small boats only as could not quit the coast. This island is situated in latitude 37° 7' south and longitude 16° 10' west of London. It is considerably larger than St. Helena, well watered, and abundantly stocked with seals and birds. The coast abounds in a variety of fish, and the inland parts produce plenty of vegetables and wood.

No chance
of escape.

Near to this island are two others (one bearing S.W. by W., distance six or seven leagues ; the other S.S.W. half W., distance six or seven leagues) which, though not so large, are nevertheless similar in their external appearance and productions.

From the situation of these islands, there is no possibility of the banished convicts ever escaping, while they are destitute of boats capable of sailing to the distance of two hundred miles or upwards, in a rough and dangerous sea ; this last circumstance seems a strong argument in support of our author's scheme.

The only reference to the projected expedition to be found in the memoirs of contemporary statesmen is the following passage in Stanhope's Life of Pitt, vol. i, p. 338 :—

In the session of 1787 was passed the measure which laid the foundation of new colonies, scarcely less important than those which we had recently lost. The want of some fixed place for penal exile had been severely felt ever since the American War, and the accumulation of prisoners at home was counteracting the benevolent efforts of Howard for the improvement of the British gaols. The discoveries of Captain Cook were now remembered and turned to practical account. An Act of Parliament empowered his Majesty, by commission under the Great Seal, to establish a Government for the reception of convict prisoners in New South Wales. An Order-in-Council completed the necessary forms. Captain Arthur Phillip, of the Royal Navy, was appointed Governor, commanding a body of marines, and conveying six hundred male and two hundred and fifty female convicts. The expedition set sail in May, 1787, and early in the following year laid the foundation of the new settlement at Port Jackson in Botany Bay.

There is little or nothing to show that Pitt took any active part in organising the expedition. The only documents preserved in the Record Office which contain any mention of his name in connection with the matter relate to an estimate of the probable expenditure which he had called for. The following memo. from Nepean to Sir Charles Middleton is without date, but was apparently written on the 12th December, 1786 :—

Mr. Nepean presents his compliments to Sir Charles Middleton, is desired by Mr. Pitt to request that he will order a statement to be made of the expenses which it is supposed will be incurred under the direction of the Navy Board for the providing of provisions, clothing, implements, etc., for the convicts, and sending them out to Botany Bay, including the expenses incurred for the detachment of marines. It is not expected that any statement which can now be made will be an accurate one, but Mr. Pitt wishes to obtain within a few days some information upon the business which may lead him to form an opinion to what expense this establishment may be likely to amount.

Mr. Nepean has applied to the Admiralty for information respecting the equipment of the Sirius and the Tender, and the annual expense of their crews, as well as with regard to the pay of the marines. He has likewise applied to Mr. Rogers for an account of the value of the stores which have been supplied by the Board of Ordnance.

To this memo. Sir Charles Middleton replied, on the 13th December, that he would "furnish Mr. Pitt with the information

Stanhope's
Life of Pitt.

The
session of
1787.

Port
Jackson in
Botany Bay.

Nepean to
Middle-
ton :—

Mr. Pitt
wants a
statement
of expendi-
ture.

Middleton
to
Nepean :—

Estimate
sent to Mr.
Pitt.

required, as far as the state of the business will admit, as soon as possible, probably this evening or early to-morrow." On the 28th December, an estimate of the expenses for three years was sent from the Admiralty "for the information of Mr. Pitt"—the amount stated being £45,572.

No other mention of Pitt's name in connection with the matter can be traced.

Actual
expenditure.

The actual expenditure incurred in the equipment and despatch of the First Fleet—including the marines—was published in the Annual Register for 1791, as follows:—

An account of the expence incurred in transporting convicts to New South Wales, as far as the same can be made up—

NATURE OF THE EXPENCES.

	£	s.	d.
Freight of the transport ships with the expence for fitting for the service	42,271	0	4
Cloathing, slops, and bedding	4,939	16	8
Victualling and providing for the convicts and the marine guards prior to sailing, as also on the passage, and a store there, viz. :—			
	£	s.	d.
Prior to sailing	4,324	1	11
On the passage	7,310	12	2
For store at New South Wales	16,205	3	0
Wine, essence of malt, &c.	381	15	1
	28,221	12	2
Handcuffs and irons for securing the convicts	42	0	1
Stationery for the commissary of stores and provisions and for the commanding officer of marines	63	19	4
Tools, implements of husbandry, &c.	3,056	8	7
Marquees and camp equipage for marine officers	389	4	1
Portable house of the Governor	130	0	0
Medicines, drugs, surgeon's instruments and necessaries	1,429	15	5
Seed grain	296	17	4
Old canvas supplied from Portsmouth Dockyard for tents, &c., for the convicts until huts could be erected	69	0	9
Hearths, coppers, &c., for the use of the settlement	118	10	3
Pay and disbursement of the agent to the transport employed on this service... ..	881	6	6
	£81,899	11	6

This expence has been incurred on the first expedition, and is all paid.

The official "Estimate of the Expence of Ordnance Stores ordered to be sent to the intended Settlement at Botany Bay," amounted to £2,435 17s. 0½d. It included six iron guns (12 and 6 pounders) and two brass guns mounted on travelling carriages, with round shot and other necessary stores.

SIR JOSEPH BANKS.

SIR JOSEPH BANKS, who was born at Argyle-street, London, on 13 February, 1743-4, was the only son of William Banks of Revesby Abbey, in Lincolnshire, and Sarah, daughter of William Bate. He received his early education under a private tutor. At the age of nine he was sent to Harrow School, and thence transferred to Eton when he was thirteen. He left that school in his eighteenth year, and then entered as a gentleman commoner at Christ Church College, Oxford, in December, 1760. His liking for botany—which had shown itself during his boyhood—increased while at the University, and he warmly embraced the other branches of natural history. Finding that no lectures were given in botany, he sought and obtained permission to procure a teacher to be paid by the students. He then went by stage-coach to Cambridge, and brought back with him Mr. Israel Lyons, astronomer and botanist, who afterwards published a small book on the Cambridge Flora. Many years subsequently, Lyons, through the interest of Banks, was appointed astronomer under Captain Phipps, afterwards Lord Mulgrave, on his voyage towards the North Pole.

Birth and
education.

Studies in
natural
history.

Banks's father died in 1761, during his first year at Oxford, leaving him an ample fortune and estate at Revesby. He left Oxford in December, 1763, after taking an honorary degree. In February, 1764, he came of age and took possession of his paternal fortune. He had already attracted attention in the University by his superior attainments in natural history, and in May, 1766, he was elected Fellow of the Royal Society. During the same summer he went to Newfoundland to collect plants with his friend, Lieutenant Phipps. He returned to England the following winter by way of Lisbon. After his return, an intimacy was established between Dr. Daniel Solander and himself, which only ended by the death of the former. Solander had been a favourite pupil of Linnaeus, and at the time when Banks first came to know him was employed as an assistant librarian at the British Museum. He afterwards became Banks's companion round the world, and subsequently his librarian until his death.

At Oxford.

In New-
foundland.

Dr.
Solander.

By his influence with Lord Sandwich, First Lord of the Admiralty, Banks obtained permission to accompany Cook's expedition in the Endeavour, equipped at his own expense, taking with him Dr. Solander, two draughtsmen—Mr. Buchan for landscape, and Mr. Sydney Parkinson for objects of natural history—and two attendants. The journal which he kept was largely utilised by Dr. Hawkesworth in his relation of the Voyages of Carteret, Wallis, and Cook. The Endeavour left England in August, 1768, and returned in July, 1771.

On board the
Endeavour.

1743-1820 The success of this voyage, and the enthusiasm it evoked, led to a second voyage under the same commander in the *Resolution*. At the solicitation of Lord Sandwich, Banks offered to accompany this expedition. The offer being accepted, the outfit was begun, and Zoffany the painter, three draughtsmen, two secretaries, and nine other skilled assistants were engaged. The accommodation on board was found insufficient, and additional cabins were built on deck. These were found on trial not only to affect the ship's sailing powers, but also her stability. They were therefore ordered to be demolished, and Banks abandoned his intention of sailing in the *Resolution*. Dr. Lind had been appointed naturalist to the expedition under a grant of £4,000, but on hearing of Banks' decision he declined the post. Dr. Johann Reinhold Forster and his son George ultimately sailed with the expedition. Being disappointed in this quarter, Banks resolved to visit Iceland with his followers and Dr. Solander. He reached that island in August, 1772, climbed to the top of Hecla, and returned in six weeks, the results being summarised in Dr. Von Troils' volume.

Not on board the Resolution.

In Iceland.

Sir John Pringle, president of the Royal Society, retired from the chair in 1777, and Banks was chosen as his successor on 30th November, 1778, and held that distinguished position until his death. He found, it is stated, secretaries assuming the power which belonged to the president alone, and other abuses which he determined to rectify. This intention, coupled with the fact that natural history had been less cultivated than mathematics in the Royal Society, caused an amount of discontent amongst some of the members, which broke out a few years later in the session of 1783-4. . . . A motion was ultimately carried in support of the president's conduct, and a few members left the society. Harmony, however, was restored, and the ascendancy of Banks never again questioned.

The Royal Society.

In March, 1779, Banks married Dorothea, daughter of William Weston Hugessen, of Provender, in Kent, who survived him. He was created a Baronet in 1781, invested with the Order of the Bath in July, 1795, and sworn of the Privy Council in March, 1797.

Honours.

In 1802 he was chosen a member of the National Institute of France, and his letter of thanks in response for the honour was the occasion of a bitter anonymous attack by an old opponent, Dr. Horsley, who taxed him with want of patriotic feeling.

Towards the close of his life he was greatly troubled with gout, so much so as to lose at times the use of his limbs. He died at his house at Spring Grove, Isleworth, on 19 June, 1820, leaving a widow, but no children. By his express desire, he was buried in the simplest manner in the parish church. By will he left £200 per annum to his librarian at his death, Robert Brown, with the use of his herbarium and library during his life, the reversion

Death.

being to the British Museum. Brown made over these collections **1743-1820** to the nation within a short time after acquiring possession of them. Francis Bauer was also provided for during his life, to enable him to continue his exquisite drawings from new plants at Kew.

The character which Banks has left behind him is that of a munificent patron of science rather than an actual worker himself. His own writings are comparatively trifling. He wrote *A Short Account of the Causes of the Disease called the Blight, Mildew, and Rust*, which was published in 1805, reaching a second edition in 1806, and re-edited in 1807, besides being reprinted by W. Curtis in his *Observations on the British Grasses*, and in the Pamphleteer for 1813. He was the author of an anonymous tract on the Propriety of Allowing a Qualified Exportation of Wool in 1782, and in 1809 he brought out a small work on the merino sheep, a pet subject of his as well as of the King, George III. There were some short articles by him in the *Transactions of the Horticultural Society*, a few in the *Archæologia*, one in the *Linnean Society's Transactions*, and a short essay on the Economy of a Park, in vol. 39 of *Young's Annals of Agriculture*. He published *Kaempfer's Icones Plantarum* in 1791, in folio, and directed the issue of *Roxburgh's Coromandel Plants*, 1795-1819, 3 vols., folio. He seems to have given up all thought of publishing the results of his collections on the death of Dr. Solander, in 1782, by apoplexy, although the plates were engraved and the text drawn up in proper order for press. The manuscripts are preserved in the botanical department of the British Museum, in Cromwell Road.

Scientific
publica-
tions.

Manu-
scripts.

His collections were freely accessible to all scientific men of every nation, and his house in Soho Square became the gathering-place of science. The library was catalogued by Dr. Dryander, and issued in five volumes in 1800-5, a work greatly valued on account of its accuracy. Fabricius described his insects; Broussonet received his specimens of fishes; Gaertner, Vahl, and Robert Brown have largely used the stores of plants, and four editions of *Desiderata* were issued previously to the publication of the Catalogue. Banks spared neither pains nor cost in enriching his library, which, at his death, must be considered as being the richest of its class. It is still kept by itself in a room at the British Museum, although the natural history collections have been transferred to the new building at South Kensington.

Collections
and library.

An unstinted eulogy was pronounced by Cuvier before the *Académie Royale des Sciences* in the April following the death of Banks. In this he testifies to the generous intervention of Banks on behalf of foreign naturalists. When the collections made by La billardiére during D'Entrecasteaux's expedition fell by fortune of war into British hands and were brought to England, Banks hastened to send them back to France without having even glanced at them, writing to M. de Jussieu that he would not steal a single

French
naturalists.

1743-1820. botanic idea from those who had gone in peril of their lives to get them. Ten times were parcels addressed to the Royal Gardens in Paris, which had been captured by English cruisers. He constantly acted as scientific adviser to the King; it was he who directed the despatch of collectors abroad for the enrichment of the gardens at Kew.

Advises the King.

The influence of his strong will was manifest in all his undertakings and voyages; he was to be found in the first boat which visited each unknown land. After his return he became almost

An autocrat.

autocratic in his power; to him everything of a scientific character seemed to gravitate naturally, and his long tenure of the presidential chair of the Royal Society led him to exercise over it a vigorous authority, which has been denounced as despotic.

His character.

Dr. Kippis's account in his Pamphlet seems very fairly to describe the disposition of Banks:—"The temper of the president has been represented as greatly despotic. Whether it be so or not, I am unable to determine from personal knowledge. I do not find that a charge of this kind is brought against him by those who have it in their power to be better judges of the matter. He appears to be manly, liberal, and open in his behaviour to his acquaintance, and very persevering in his friendship. Those who have formed the closet intimacy with him have continued their connection and maintained their esteem and regard. This was the case with Captain Cook and Dr. Solander, and other instances might, I believe, be mentioned to the same purpose. The man who, for a course of years and without diminution, preserves the affection of those friends who know him best, is not likely to have unpardonable faults of temper. It is possible that Sir Joseph Banks may have assumed a firm tone in the execution of his duty as president of the society, and have been free in his rebukes where he apprehended that there was any occasion for them. If this had been the case, it is not surprising that he should not be universally popular."—From the Dictionary of National Biography, edited by Leslie Stephen.

His friends.

A memoir of Sir Joseph Banks, with a portrait, appeared in the New Monthly Magazine for August, 1820, pp. 185-194.

PHILLIP'S COMMISSION.

1787

Arthur Phillip, Esq.

Governor of New South Wales. }

George the Third by the Grace of God King of Great Britain France and Ireland Defender of the Faith &c. to our right trusty and well-beloved Councillor Edward Lord Thurlow Baron Thurlow our Chancellor of Great Britain, Greeting:—

WEE will and command that under our Great Seal of Great Britain (remaining in your custody) you cause these our letters to be made

forth patent in form following : George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c. 1787

To our trusty and well-beloved ARTHUR PHILLIP Esquire

Wee reposing especial trust and confidence in the prudence and courage and loyalty of you the said Arthur Phillip of our especial grace certain knowledge and meer motion have thought fit to constitute and appoint and by these presents do constitute and appoint you the said Arthur Phillip to be our Captain-General and Governor-in-Chief in and over our territory called New South Wales extending from the Northern Cape or extremity of the coast called Cape York in the latitude of ten degrees thirty-seven minutes south to the southern extremity of the said territory of New South Wales or South Cape in the latitude of forty-three degrees thirty-nine minutes south and of all the country inland westward as far as the one hundred and thirty-fifth degree of east longitude reckoning from the meridian of Greenwich including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of ten degrees thirty-seven minutes south and forty-three degrees thirty-nine minutes south and of all towns garrisons castles forts and all other fortifications or other military works which may be hereafter erected upon the said territory or any of the said islands.

The Governor's title.

Limits of the territory.

And Wee do hereby require and command you to do and execute all things in due manner that shall belong to your said command and trust Wee have reposed in you according to the several powers and directions granted or appointed you by this present Commission and the instructions and authorities herewith given to you or by such further powers instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign manual or by our order in our Privy Council.

The Governor to be guided by his commission and instructions.

And our will and pleasure is that you the said Arthur Phillip after the publication of these our Letters Patent do in the first place take the oaths appointed to be taken by an Act passed in the first year of the reign of King George the First intituled An Act for the further security of his Majesty's person and Government and the succession of the Crown in the heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors, as altered and explained by an Act passed in the sixth year of our reign intituled An Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of her late Majesty Queen Anne intituled An Act for the improvement of the Union of the two Kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason or misprision of treason :

To take the oaths.

1787

No popery.

As also that you make use and subscribe the declaration mentioned in an Act of Parliament made in the twenty-fifth year of the reign of King Charles the Second intituled An Act for preventing dangers which may arise from Popish Recusants.

Oath of office.

And likewise that you take the usual oath for the due execution of the office and trust of our Captain-General and Governor-in-Chief in and over our said territory and its dependencies for the due and impartial administration of justice.

Trade and Navigation laws.

And further that you take the oath required to be taken by Governors in the plantations to do their utmost that the several laws relating to trade and the plantations be duly observed which said oaths and declaration our Judge-Advocate in our said territory is hereby required to tender and administer unto you and in your absence to our Lieutenant-Governor if there be any upon the place all which being duly performed you shall administer unto our Lieutenant-Governor if there be any upon the place and to our Judge-Advocate the oaths mentioned in the first recited Act of Parliament altered as above, as also cause them to make and subscribe the aforementioned declaration.

Public Seal.

And Wee do hereby authorise and empower you to keep and use the public seal which will be herewith delivered to you or shall be hereafter sent to you for sealing all things whatsoever that shall pass the Great Seal of our said territory and its dependencies.

Power to administer oaths.

Wee do further give and grant unto you the said Arthur Phillip full power and authority from time to time and at any time hereafter by yourself or by any other to be authorised by you in that behalf to administer and give the oaths mentioned in the said first-recited Act of Parliament altered as above to all and every such person or persons as you shall think fit who shall at any time or times pass into our said territory or its dependencies or shall be resident or abiding therein.

Power to appoint justices.

And Wee do hereby authorise and empower you to constitute and appoint justices of the peace coroners constables and other necessary officers and ministers in our said territory and its dependencies for the better administration of justice and putting the law in execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the execution and performance of offices and places.

To pardon and

reprieve.

And Wee do hereby give and grant unto you full power and authority where you shall see cause or shall judge any offender or offenders in criminal matters or for any fine or fines or forfeitures due unto us fit objects of our mercy to pardon all such offenders and to remit all such offences fines and forfeitures treason and wilful murder only excepted in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent our royal pleasure may be known therein.

And whereas it belonged to us in right of our Royal Prerogative to have the custody of ideots and their estates and to take the profits thereof to our own use finding them necessaries and also to provide for the custody of lunaticks and their estates without taking the profits thereof to our own use. 1787

And whereas while such ideots and lunaticks and their estates remain under our immediate care great trouble and charges may arise to such as shall have occasion to resort unto us for directions respecting such ideots and lunaticks and their estates Wee have thought fit to entrust you with the care and committment of the custody of the said ideots and lunaticks and their estates and Wee do by these presents give and grant unto you full power and authority without expecting any further special warrant from Us from time to time to give order and warrant for the preparing of grants of the custodies of such ideots and lunaticks and their estates as are or shall be found by inquisitions thereof to be taken by the Judges of our Court of Civil Jurisdiction and thereupon to make and pass grants and committment under our Great Seal of our said territory of the custodies of all and every such ideots and lunaticks and their estates to such person or persons suitors in that behalf as according to the rules of law and the use and practice in those and the like cases you shall judge meet for that trust the said grants and committments to be made in such manner and form or as nearly as may be as hath been heretofore used and accustomed in making the same under the Great Seal of Great Britain and to contain such apt and convenient covenants provisions and agreements on the parts of the committees and grantees to be performed and such security to be by them given as shall be requisite and needful. Custody of lunaticks, and their estates.

And Wee do hereby give and grant unto you the said Arthur Phillip by yourself or by your captains or commanders by you to be authorised full power and authority to levy arm muster and command and employ all persons whatsoever residing within our said territory and its dependencies under your government and as occasion shall serve to march from one place to another or embark them for the resisting and withstanding of all enemies pirates and rebels both at sea and land, and such enemies pirates and rebels if there shall be occasion to pursue and prosecute in or out of the limits of our said territory and its dependencies and (if it shall so please God) them to vanquish apprehend and take and being so taken according to law to put to death or keep and preserve alive at your discretion. Grants and committments.

And to execute martial law in time of invasion or other times when by law it may be executed and to do and execute all and every other thing and things which to our Captain-General and Governor-in-Chief doth or ought of right to belong. Power to levy forces for defence.

1787

Fortifica-
tions.

And Wee do hereby give and grant unto you full power and authority to erect raise and build in our said territory and its dependencies such and so many forts and platforms castles cities boroughs towns and fortifications as you shall judge necessary and the same or any of them to fortify and furnish with ordnances and ammunition and all sorts of arms fit and necessary for the security and defence of the same or any of them to demolish or dismantle as may be most convenient.

Naval
discipline.

And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered Wee do hereby give and grant unto you the said Arthur Phillip full power and authority to constitute and appoint captains lieutenants masters of ships and other commanders and officers and to grant to such captains lieutenants masters of ships and other commanders and

Martial law.

officers commissions to execute the law martial during the time of war according to the directions of an Act passed in the twenty-second year of the reign of our late royal grandfather intituled An Act for explaining amending and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships vessels and forces by sea as the same is altered by an Act passed in the nineteenth year of our reign intituled An Act to explain and amend an Act made in the twenty-second year of the reign of his late Majesty King George the Second intituled An Act for amending explaining and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships vessels and forces by sea and to use such proceedings authorities punishments corrections executions upon any offender or offenders who shall be mutinous seditious disorderly or any way unruly either at sea or during the time of their abode or residence in any of the ports harbours or bays of our said territory as the case shall be found to require according to martial law and the said directions during the time of war as aforesaid.

Punish-
ment of
offenders.No jurisdic-
tion where
offence com-
mitted on
the high
seas.

Provided that nothing herein contained shall be construed to the enabling you or any by your authority to hold plea or have any jurisdiction of any offence cause matter or thing committed or done upon the high sea or within any of the havens rivers or creeks of our said territory and its dependencies under your Government by any captain commander lieutenant master officer seaman soldier or other person whatsoever who shall be in actual service in pay in or on board any of our ships-of-war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of Great Britain for the time being under the seal of our Admiralty :

But that such captain commander lieutenant master officer seaman soldier or other person so offending shall be left to be pro-

ceeded against and tried as the merits of their offences shall require
 either by commission under our Great Seal of Great Britain as the
 statute of the twenty-eighth of Henry the Eighth directs or by
 commission from our Commissioners for executing the office of our
 High Admiral of Great Britain or from our High Admiral of Great
 Britain for the time being according to the aforesaid Act intituled
 An Act for amending explaining and reducing into one Act of
 Parliament the laws relating to the Government of his Majesty's
 ships vessels and forces by sea as the same is altered by an Act
 passed in the nineteenth year of our reign intituled An Act to
 explain an Act made in the twenty-second year of his late Majesty
 King George the Second intituled An Act for amending explaining
 and reducing into one Act of Parliament the laws relating to the
 Government of his Majesty's ships vessels and forces by sea.

1787

Offences on
the high
seas to be
tried by
the Vice-
Admiralty
Court.

Provided nevertheless that all disorders and misdemeanours com-
 mitted on shore by any captain commander lieutenant master
 officer seaman soldier or any other person whatsoever belonging to
 any of our ships-of-war or other vessels acting by immediate com-
 mission or warrant from our commissioners for executing the office
 of our High Admiral of Great Britain or from our High Admiral
 of Great Britain for the time being under the seal of our Admiralty
 may be tried and punished according to the laws of the place where
 any such disorders offences and misdemeanours shall be committed
 on shore, notwithstanding such offender be in our actual service and
 borne in our pay on board any such our ships-of-war or other vessels
 acting by immediate commission or warrant from our Commissioners
 for executing the office of our High Admiral of Great Britain or
 from our High Admiral of Great Britain for the time being as
 aforesaid, so as he shall not receive any protection for the avoiding
 of justice for such offences committed on shore from any pretence
 of his being employed in our service at sea.

Offences
committed
on shore by
officers or
men belong-
ing to the
navy

to be dealt
with on
shore.

Our will and pleasure is that all public monies which shall be
 raised be issued out by warrant from you and disposed of by you
 for the support of the Government or for such other purpose as
 shall be particularly directed and not otherwise.

Public
monies.

And Wee do hereby likewise give and grant unto you full power
 and authority to agree for such lands tenements and hereditaments
 as shall be in our power to dispose of and them to grant to any
 person or persons upon such terms and under such moderate quit-
 rents services and acknowledgements to be thereupon reserved
 unto us according to such instructions as shall be given to you
 under our sign manual which said grants are to pass and be sealed
 by our seal of our said territory and its dependencies and being
 entered upon record by such officer or officers as you shall appoint
 thereunto shall be good and effectual in law against us our heirs
 and successors.

Power to
grant land.

1787

Power to
appoint
fairs and
markets.

And Wee do hereby give you the said Arthur Phillip full power to appoint fairs marts and markets as also such and so many ports harbours bays havens and other places for conveniency and security of shipping and for the better loading and unloading of goods and merchandizes as by you shall be thought fit and necessary.

General
jurisdiction.

And Wee do hereby require and command all officers and ministers civil and military and all other inhabitants of our said territory and its dependencies to be obedient aiding and assisting you the said Arthur Phillip in the execution of this our Commission and of the powers and authorities herein contained, and in case of your death or absence out of our said territory to be obedient aiding and assisting to such person as shall be appointed by us to be our Lieutenant-Governor or Commander-in-Chief of our said territory and its dependencies, to whom Wee do therefore by these presents give and grant all and singular the powers and authorities herein granted to be by him executed and enjoyed during our pleasure or until your arrival within our said territory and its dependencies.

Provision
for vacancy
in office.

And if upon your death or absence out of our said territory and its dependencies there be no person upon the place commissioned or appointed by us to be our Lieutenant-Governor or Commander-in-Chief of our said territory and its dependencies, our will and pleasure is that the officer highest in rank who shall be at the time of your death or absence upon service within the same, and who shall take the oaths and subscribe the declaration appointed to be taken and subscribed by you or by the Commander-in-Chief of our said territory and its dependencies, shall take upon him the administration of the Government and execute our said Commission and Instructions and the several powers and authorities therein contained in the same manner and to all intents and purposes as other our Governor or Commander-in-Chief should or ought to do in case of your absence until your return or in all cases until our further pleasure be known therein.

Term of
office.

And Wee do hereby declare ordain and appoint that you the said Arthur Phillip shall and may hold execute and enjoy the office and place of our Captain-General and Governor-in-Chief in and over our said territory and its dependencies together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure.

In witness &c.

Witness ourself at Westminster the second day of April in the twenty-seventh year of our reign.

By writ of Privy Seal.

PHILLIP'S INSTRUCTIONS.

GEORGE R.

Instructions for our trusty and well-beloved Arthur Phillip, Esq., our Captain-General and Governor-in-Chief in and over our territory of New South Wales and its dependencies, or to the Lieutenant-Governor or Commander-in-Chief of the said territory for the time being. Given at our Court at St. James's, the 23rd day of April, 1787, in the twenty-seventh year of our reign. 1787

WITH these our Instructions you will receive our Commission under our Great Seal constituting and appointing you to be our Captain-General and Governor-in-Chief of our territory called New South Wales, extending from the northern cape or extremity of the coast, called Cape York, in the latitude of $10^{\circ} 37'$ south, to the southern extremity of the said territory of New South Wales, or South Cape, in the latitude of $43^{\circ} 39'$ south, and of all the country inland to the westward as far as the 135° of east longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid— $10^{\circ} 37'$ south and $43^{\circ} 39'$ south—and of all towns, garrisons, castles, forts, and all other fortifications or other military works which may be hereafter erected upon the said territory or any of the said islands, with directions to obey such orders and instructions as shall from time to time be given to you, under our signet and sign manual, or by our Orders in our Privy Council. Commission as Governor. Instructions.

You are therefore to fit yourself with all convenient speed and to hold yourself in readiness to repair to your said command, and being arrived to take upon you the execution of the trust we have reposed in you as soon as conveniently may be, with all due solemnity to cause our said Commission under our Great Seal of Great Britain constituting you our Governor and Commander-in-Chief as aforesaid to be read and published. Commission to be read in public.

And whereas We have ordered that about 600 male and about 180 female convicts now under sentence or order of transportation, whose names are contained in the list hereunto annexed, should be removed out of the gaols and other places of confinement in this our kingdom, and be put on board the several transport ships which have been taken up for their reception: It is our royal will and pleasure that as soon as the said convicts, the several persons composing the civil establishments, and the stores, provisions, &c., provided for their use shall be embarked on board the Supply Order for transportation.

1787 tender and the transport ships named in the margin [Alexander Scarborough, Lady Penhryn, Friendship, Charlotte, Prince of Wales, Golden Grove, Fishbourn], and be in readiness to depart, that you do take them under your protection and proceed in the Sirius with the said tender and transports to the port on the coast of New South Wales situated in the latitude of 33° 41', called by Botany Bay. the name of Botany Bay, agreeably to the instructions you will be furnished with by the Commissioners of our Admiralty, in pursuance of our Royal commands already signified to them.

And whereas it may happen upon your passage to New South Wales that you may find it necessary and expedient to call with the ships and vessels under your convoy at the Island of Teneriffe, at the Rio di Janeiro, and also at the Cape of Good Hope, for supplies of water and other refreshments for the voyage: It is our further will and pleasure that you do, upon your arrival at the former of those places, take on board any of the ships of the convoy which you may think proper such quantities of wine as may be requisite for the supply of the said settlement, according to the instructions with which the Commissary of stores and provisions will be furnished by the Commissioners of our Treasury, taking care that the quantities purchased do not exceed the proportions to be issued to several persons composing the said settlement entitled thereto, agreeably to the said instructions, for the time to which they have confined the supply of that article; and for the amount of such purchases you will direct the Commissary to draw bills of exchange upon them, properly certified by you or our Lieutenant-Governor of the said intended settlement, with the other usual attestations, that the same has been obtained at the most reasonable rates, transmitting at the same time an account thereof to them, in order that you may be released from any imprest which such purchases might occasion.

Notwithstanding there is already a considerable quantity of corn and other seed grain put on board the ships of convoy, probably more than may be immediately necessary for raising supplies for the settlement, we are disposed to guard as much as possible against accidents which may happen, or injuries which these articles might sustain during the passage; it is therefore our further will and pleasure that you, upon your arrival at any of the places you may have occasion to touch at, endeavour to obtain such further quantities of seed grain as you may think requisite for the tillage of the land at the place of your destination; and also that you do take on board any number of black cattle, sheep, goats, or hogs, which you can procure, and the ships of the convoy can contain, in order to propagate the breed of these animals for the general benefit of the intended settlement, causing the Commissary of Stores and Provisions to draw bills for the same, as is before directed for such supplies, as well as for any fresh provisions which

Wine to be taken on board.

Bills to be drawn for the amount.

Seed grain, black cattle, sheep, &c., to be procured.

it may be requisite to procure for the use of the marines or convicts at those places, and transmitting information to the Commissioners of our Treasury of such proceedings. 1787

And whereas it is intended that several of the transport ships and victuallers which are to accompany you to New South Wales should be employed in bringing home cargoes of tea and other merchandize from China, for the use of the East India Company, provided they can arrive at Canton in due time, whereby a very considerable saving would arise to the public in the freight of these vessels : It is our royal will and pleasure that upon your arrival at Botany Bay, on the said coast of New South Wales, you do cause every possible exertion to be made for disembarking the officers and men composing the civil and military establishments, together with the convicts, stores, provisions, &c., and having so done you are to discharge all the said transports or victuallers in order that such of them as may be engaged by the East India Company may proceed to China, and that the rest may return home. You will, however, take care, before the said transport ships are discharged, to obtain an assignment to you or the Governor-in-Chief for the time being, from the masters of them, of the servitude of the several convicts for the remainder of the times or terms specified in their several sentences or orders of transportation.

According to the best information which We have obtained, Botany Bay appears to be the most eligible situation upon the said coast for the first establishment, possessing a commodious harbour and other advantages which no part of the coast hitherto discovered affords. It is therefore our will and pleasure that you do, immediately upon your landing, after taking measures for securing yourself and the people who accompany you as much as possible from any attacks or interruptions of the natives of that country, as well as for the preservation and safety of the public stores, proceed to the cultivation of the land, distributing the convicts for that purpose in such manner, and under such inspectors or overseers, and under such regulations as may appear to you to be necessary and best calculated for procuring supplies of grain and ground provisions. The assortment of tools and utensils which have been provided for the use of the convicts and other persons who are to compose the intended settlement are to be distributed according to your discretion, and according to the employment assigned to the several persons. In the distribution, however, you will use every proper degree of economy, and be careful that the Commissary do transmit an account of the issues from time to time to the Commissioners of our Treasury, to enable them to judge of the propriety or expediency of granting further supplies. The clothing of the convicts, and the provisions issued to them and the civil and military establishments, must be accounted for in the same manner.

Transports bound to China,

to be promptly unloaded.

Assignment of servitude to the Governor.

Botany Bay.

Cultivation of the land.

Tools and utensils.

Economy.

Clothing.

1787

The Sirius
and Supplyto be sent to
the islands,
with 200
musquets
and 200
cutlasses,
to barter for
live stock.

And whereas the Commissioners of our Admiralty have appointed Captain Hunter to repair on board the Sirius to assist you in the execution of your duty, and to take the command of the ship whenever you may see occasion to detach her from the settlement, and also to station the Supply tender under your orders, and to be assisting to you upon occasional services after your arrival: And whereas it is our royal intention that measures should be taken in addition to those which are specified in the article of these our instructions for obtaining supplies of live stock, and having, in consequence of such intention, caused a quantity of arms and other articles of merchandize to be provided and sent out in the ships under your convoy, in order to barter with the natives, either in the territory of New South Wales or the islands adjacent: It is our will and pleasure that, as soon as either of these vessels can be spared with safety from the settlement, you do detach one or both of them for that purpose, confining their intercourse as much as possible to such parts as are not in the possession or under the jurisdiction of other European Powers.

"Amplly
supplied
with vege-
tables."Caution as to
slaughtering
stock.

The increase of the stock of animals must depend entirely upon the measures you may adopt on the outset for their preservation, and as the settlement will be amply supplied with vegetable productions, and most likely with fish, fresh provisions, excepting for the sick and convalescents, may in a great degree be dispensed with. For these reasons it will become you to be extremely cautious in permitting any cattle, sheep, hogs, &c., intended for propagating the breed of such animals to be slaughtered, until a competent stock may be acquired to admit of your supplying the settlement from it with animal food, without having further recourse to the places from whence such stock may have originally been obtained.

Public
stock.More con-
victs to
follow
shortly.

It is our will and pleasure that the productions of all descriptions, acquired by the labour of the convicts, should be considered as a public stock, which we so far leave to your disposal that such parts thereof as may be requisite for the subsistence of the said convicts and their families, or the subsistence of the civil and military establishments of the settlement, may be applied by you to that use. The remainder of such productions you will reserve as a provision for a further number of convicts, which you may expect will shortly follow you from hence, to be employed under your direction in the manner pointed out in these our instructions to you.

Flax.

From the natural increase of corn and other vegetable food from a common industry, after the ground has once been cultivated, as well as of animals, it cannot be expedient that all the convicts which accompany you should be employed in attending only to the object of provisions. And as it has been humbly represented unto us that advantages may be derived from the flax plant, which is found in the islands not far distant from the intended settlement,

not only as a means of acquiring clothing for the convicts and other persons who may become settlers, but from its superior excellence for a variety of maritime purposes, and as it may ultimately become an article of export: It is therefore our will and pleasure that you do particularly attend to its cultivation, and that you do send home, by every opportunity which may offer, samples of this article, in order that a judgment may be formed whether it may not be necessary to instruct you further upon this subject. 1787
Samples to be sent home.

And whereas We are desirous that some further information should be obtained of the several ports or harbours upon the coast, and the islands contiguous thereto within the limits of your government, you are, whenever the Sirius or the Supply tender can conveniently be spared, to send one or both of them upon that service. Norfolk Island, situated in the latitude and longitude east from Greenwich about , being represented as a spot which may hereafter become useful, you are, as soon as circumstances will admit of it, to send a small establishment thither to secure the same to us, and prevent it being occupied by the subjects of any other European Power. And you will cause any remarks or observations which you may obtain in consequence of this instruction to be transmitted to our Principal Secretary of State for Plantation Affairs for our information. Exploration of the coast.
Norfolk Island to be settled.

And whereas it may happen, when the settlement shall be brought into some state of regulation, that the service of the Sirius may not be necessary at the said settlement and as we are desirous to diminish as much as possible the expenses which the intended establishment occasions, you will, whenever the services of the said ship can be dispensed with, order Captain Hunter to return with her to England: And as from such an arrangement the emoluments of your station will be diminished, it is our royal intention that the same shall be made good to you by bills to be drawn by you upon the Commissioners of our Treasury. Sirius to return to England.

You are to endeavour, by every possible means, to open an intercourse with the natives, and to conciliate their affections, enjoining all our subjects to live in amity and kindness with them. And if any of our subjects shall wantonly destroy them, or give them any unnecessary interruption in the exercise of their several occupations, it is our will and pleasure that you do cause such offenders to be brought to punishment according to the degree of the offence. You will endeavour to procure an account of the numbers inhabiting the neighbourhood of the intended settlement, and report your opinion to one of our Secretaries of State in what manner our intercourse with these people may be turned to the advantage of this colony. The natives to be protected,
and reported on.

And it is further our royal will and pleasure that you do by all proper methods enforce a due observance of religion and good Religion.

1787
Publick
worship.

order among the inhabitants of the new settlement, and that you do take such steps for the due celebration of publick worship as circumstances will permit.

Women to
be brought
from the
islands.

And whereas, as from the great disproportion of female convicts to those of the males who are put under your superintendence, it appears advisable that a further number of the former should be introduced into the new intended settlement, you are, whenever the Sirius or the tender shall touch at any of the islands in those seas, to instruct their commanders to take on board any of the women who may be disposed to accompany them to the said settlement. You will, however, take especial care that the officers who may happen to be employed upon this service do not on any account exercise any compulsive measures or make use of fallacious pretences for bringing away any of the said women from the places of their present residence.

Emancipa-
tion.

And whereas We have by our Commission bearing date [2 April. 1787] given and granted unto you full power and authority to emancipate and discharge from their servitude any of the convicts under your superintendence who shall for their good conduct and a disposition to industry be deserving of favor : It is our will and pleasure that in every such case you do issue your warrant to the Surveyor of Lands to make surveys of and mark out in lots such lands upon the said territory as may be necessary for their use, and when that shall be done, that you do pass grants thereof with all convenient speed to any of the said convicts so emancipated, in such proportions and under such conditions and acknowledgements as shall hereafter be specified, viz, To every male shall be granted thirty acres of land, and in case he shall be married twenty acres more, and for every child who may be with them at the settlement at the time of making the said grant a further quantity of ten acres, free of all fees, taxes, quit-rents or other acknowledgements whatsoever, for the space of ten years, Provided that the person to whom the said land shall have been granted shall reside within the same and proceed to the cultivation and improvement thereof, reserving only to us such timber as may be growing or to grow hereafter upon the said land which may be fit for naval purposes and an annual quit-rent of after the expiration of the term or time before mentioned. You will cause copies of such grants as may be passed to be preserved, and make a regular return of the said grants to the Commissioners of our Treasury and the Lords of the Committee of our Privy Council for trade and plantations.

Grants of
land to
emancipated
convicts.

Conditions
and reserva-
tions.

Grants to
be recorded.

And whereas it is likely to happen that the convicts who may after their emancipation, in consequence of this instruction, be put in possession of lands will not have the means of proceeding to their cultivation without the public aid : It is our will and pleasure that you do cause every such person you may so emancipate

to be supplied with such a quantity of provisions as may be sufficient for the subsistence of himself and also of his family for twelve months, together with an assortment of tools, &c., utensils, and such a proportion of seed, grain, cattle, sheep, hogs, &c., as may be proper and can be spared from the general stock of the settlement.

Emancipists to be supplied for twelve months.

And whereas many of our subjects employed upon military service at the said settlement, and others who may resort thither upon their private occupations, may hereafter be desirous of proceeding to the cultivation and improvement of the land, and as we are disposed to afford them every reasonable encouragement in such an undertaking, it is our will and pleasure that you do, with all convenient speed, transmit a report of the actual state and quality of the soil at and near the said intended settlement, the probable and most effectual means of improving and cultivating the same, and of the mode and upon what terms and conditions, according to the best of your judgment, the said lands should be granted, that proper instructions and authorities may be given to you for that purpose.

In view of free settlement.

report on the land.

And whereas it is our Royal intention that every sort of intercourse between the intended settlement at Botany Bay, or other place which may be hereafter established on the coast of New South Wales and its dependencies, and the settlements of our East India Company, as well as the coasts of China, and the islands situated in that part of the world to which any intercourse has been established by any European nation, should be prevented by every possible means: It is our royal will and pleasure that you do not, on any account, allow craft of any sort to be built for the use of private individuals which might enable them to effect such intercourse, and that you do prevent any vessels which may at any time hereafter arrive at the said settlement from any of the ports before-mentioned from having communication with any of the inhabitants residing within your government, without first receiving especial permission from you for that purpose.

All intercourse with foreign ports prohibited.

No sailing vessels to be built.

No communication from ship to shore.

G.R.

GOVERNORS' COMMISSIONS.

The charter granted to Sir Walter Raleigh in 1584, by which he was authorised to take possession of such "remote, heathen, and barbarous lands, countries, and territories" as he might discover, and to have, hold, occupy, and enjoy the same, is the earliest document of the kind in English history;* and from it might be traced,

Charter to Sir Walter Raleigh.

* Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States. Washington, 1878. Part II, pp. 1379-81.

Legislation
and Govern-
ment.

in historical succession, all the Charters, Grants, Commissions, and Letters Patent by which the Crown in later times vested powers of colonial government in the hands of individuals. Sir Walter was empowered to "correct, punish, pardon, govern, and rule" his subjects "according to such statutes, lawes, and ordinances as shall bee by him, the said Walter Raleigh, devised or established for the better government of the said people: So always as the said statutes, lawes, and ordinances may be, as neere as conveniently may be, agreeable to the forme of the lawes, statutes, government, or pollicie of England." This was, to all intents and purposes, the sum and substance of the powers conferred on Governor Phillip two centuries later.

Develop-
ment of the
colonial
system.

In the Grant of the province of Maine to Sir Ferdinando Gorges, made in 1639, and in the Charter for the province of Pennsylvania granted to William Penn in 1681, the powers of government conferred by the Crown were defined with much more precision than they were in Raleigh's case. During the period which elapsed between Raleigh's voyage of discovery and the appearance of Gorges and Penn on the scene of colonisation, the government of the colonies had been developed into an official system; the grants and charters, drawn up when Coke and Bacon were Crown Law Officers, became established precedents for later cases; and their language, stripped of its antiquated peculiarities, may be found in many State documents of modern times. Thus there is no difficulty in tracing the pedigree, so to speak, of the Commission issued to Governor Phillip up to the American grants and charters of the sixteenth and seventeenth centuries. The identity of form and language is unmistakable. For instance, the powers given to Phillip to levy, arm, and muster forces for defence, to execute martial law, and to build fortifications, may be seen in the Grant to Sir Ferdinando Gorges in almost the same words. The historical interest of the subject will justify the quotation of a passage from it for the purpose of showing the resemblance between the two documents—especially as it will serve to illustrate the constitutional position occupied by Phillip:—

Compare
the com-
mission to
Sir Danvers
Osborn,
Governor of
New York;
Smith,
History of
New York,
pp. 291-300.

Old English.

And because in a Country soe farr distant and seated amongst soe many barbarous nations, the Incursions or Invasions, as well of the barbarous people as of Pirates and other enemies, maye be justly feared: Wee doe therefore give and grannte unto the said Sir Ferdinando Gorges full power and authorite that he shall or lawfullye maye muster, leavie, raise, arme, and employe all persons inhabiteing or resideing within the said province for the resisting or withstanding of such Enymies or Pyrates bothe atte Lande and atte See, and such enymies or Pyrates (if occasion shall require)

to pursue and prosecute out of the lymits of the said province, and them (if it shall soe please God) to vanquishe, apprehende and take, and being taken, either, according to the Lawe of Armes, to kill or to keep and preserve them att his pleasure.*

This power appears in Phillip's Commission, issued two hundred and fifty years afterwards, in much the same words :—

And Wee do hereby give and grant unto you the said Arthur Phillip, by yourself or by your Captains or Commanders by you to be authorised, full power and authority to levy, arm, muster, and command and employ all persons whatsoever residing within our said territory and its dependencies under your government, and as occasion shall serve, to march from one place to another, or to embark them, for the resisting and withstanding of all enemies, pirates and rebels, both at sea and land, and such enemies, pirates, and rebels, if there shall be occasion, to pursue and prosecute in or out of the limits of our said territory and its dependencies, and (if it shall so please God) them to vanquish, apprehend, and take, and being so taken, according to law to put to death or keep and preserve alive, at your discretion. Modern English.

Phillip was thus armed with the same military powers as those conferred on the proprietor of the province of Maine by a Charter which, as Doyle† expresses it, gave him almost kingly power over the territory.

THE FIRST FLEET.

LIEUTENANT KING'S MS. Journal of the Voyage to Botany Bay contains the following information with respect to the ships composing the First Fleet :—

The construction of a King's ship not being deemed proper for this service, the Berwick store-ship was pitched on by the Admiralty, and her name changed to the Sirius, so called from the bright star The Sirius, in ye southern constellation of the Great Dog. She had been purchased on the stocks by Government in 1781, and was sent once to America as a store-ship during ye war, and once after ye peace to ye West Indies ; since which time she had lay'n in ordinary at Deptford till named for this service, when she was taken into dock and, as the Yard people said, thoroughly overhauled ; however, we have frequently had reason to think otherwise in the course of our voyage. not staunch.

[Captain Hunter, in his Journal, p. 287, quotes the following passage from King's Journal at Norfolk Island :—

Of the Sirius, which was never more to return to the Thames, he (King) tells the following anecdote :—"She was built in the river

* Federal and State Constitutions. Part I, pp. 774-8.

† History of America, p. 90.

- for an east-country ship ; and in loading her, she took fire and was burnt down to her wales. The Government wanting a roomy vessel to carry stores abroad, in 1781, purchased her bottom, which was rebuilt with such stuff as, during the war, could be found. She went two voyages as the Berwick store-ship ; and, without any repairs, she was reported, when the present expedition was thought of, as fit for the voyage to New Holland, when she was named the Sirius. Experience, however, evinced that she was altogether adequate to the service for which she was destined ; and carried her crew safe through one of the most tremendous gales, on a lee shore, that the oldest seamen remembered.”]
- The Sirius.** The Supply, armed tender, of 170 tons, 8 guns, and 50 men. commanded by Lieutenant H. I. Ball, was formerly a navy transport ; her size is much too small for so long a voyage, which, added to her not being able to carry any quantity of provisions, and her sailing very ill, renders her a very improper vessel for this service. The transports taken up for ye service are as follows, as well as their complements of seamen, marines, and convicts, embarked on board them at the time of our leaving England :—
- The Supply,** sailed very ill. Alexander, 452 tons, 30 seamen, 35 marines, 194 convicts ; Lady Penrhyn, 333 tons, 30 seamen, 3 officers of marines, 101 female convicts ; Charlotte, 335 tons, 30 seamen, 42 marines, 86 male and 20 female convicts ; Scarboro', 430 tons, 30 seamen, 41 marines, 205 male convicts ; Friendship, 274 tons, 25 seamen, 40 marines, 76 male and 21 female convicts ; Prince of Wales, 350 tons, — seamen, 29 marines, 2 male and 47 female convicts ; Fishburn, victualler and agent's ship, of 378 tons, 22 men ; Golden Grove, ditto, of 375 tons, 22 men ; Borradaile, ditto, of 275 tons, 22 men.
- Transports and store-ships.** The terms of the contracts with the owners of the above ships are ten shillings per ton per month till their arrival at Deptford, except the Lady Penrhyn, Charlotte, and Scarboro', which ships are no longer in the service when they are cleared of their cargoes at Botany Bay, and from that time their contract ceases with Government and they begin a new one with the East India Company, on whose account they go to China for a cargo of tea to carry to England. Lieutenant Shortland of the navy has the appointment of agent of transports, and is to return to England with the other three transports and ye three store-ships the instant the Governor has no further occasion for them.
- Contracts.** The transports are fitted up for the convicts the same as for carrying troops, except the security, which consists in very strong and thick bulk-heads, filled with nails and run across 'tween decks from side to side abaft the main-mast, with loopholes to fire between decks in case of irregularities. The hatches are well-secured down by cross-bars, bolts, and locks, and are likewise railed round from deck to deck with oak stanchions. There is also a barricade of plank about three feet high abaft the main-mast, to
- Lieutenant Shortland.**
- Inside the transports.**

prevent any connection between the marines and ship's company with the convicts. Centinels are placed at the different hatchways, and a guard always under arms on the quarter-deck of each transport, in order to prevent any improper behaviour of convicts, as well as to guard against any surprize.

Each transport has on board a certain quantity of each kind of utensils proper for agriculture, as well as a distribution of other stores for the colony, so distributed that an accident happening to one ship would not have those disagreeable consequences, which must be the case if the whole of one species of stores was on board each ship. The victuallers are loaded with two years' provisions of all species for the marines, convicts, &c., for two years from the time of their landing in New South Wales.

It was not till ye 11th of May that the Governor joined us, he having been detained in town until the Ministry had arranged and fixed the different orders settling a number of things incident to ye great voyage we are about to undertake. On ye 12th the ship's company was paid their two months' advance, and on the same day we were joined by his Majesty's ship *Hyæna*, Captain De Courcy, who was ordered to proceed with us as far as Captain Phillip might judge proper.

BURKE ON TRANSPORTATION TO AFRICA.

THE Parliamentary History for 1785 contains the following reports of speeches on this subject :—

Mr. BURKE called the attention of the House to the melancholy situation under which those unfortunate people laboured who were sentenced with transportation. In a country which prided itself on the mild and indulgent principles of its laws, it should not be suffered that the situation of particular delinquents, instead of being meliorated by provisions dictated by clemency, should become infinitely more severe than could be inflicted in the utmost rigour and severity of the laws. The number of convicts under this description was at present estimated at not less than 100,000. Every principle of justice and humanity required that punishments should not be inflicted beyond those prescribed and defined for particular kinds of delinquency. But that principle received additional force when it was considered that these extraordinary severities were exercised under the appearance of mercy ; that is to say, they were remitted certain punishments by the mild spirit and principle of the English laws ; and received in commutation others, infinitely more severe than the most rigid construction of the laws had in the worst of cases designed for them. There was

Stores and provisions.

Ye great voyage.

Convicts awaiting transportation.

1785 in the mode of punishing by transportation no distinction between trivial crimes and those of greater enormity ; all indiscriminately suffered the same miserable fate, however unequal their transgressions or different their circumstances.

Transportation to
Gambia.

State of the
prisons.

Besides these considerations, some regard should, in these times of difficulty and distress, be paid to frugality and economy. The business of transporting convicts, among other conveniences, was attended with a very considerable expense. Instances of profuse expenditure were sometimes justifiable, when they had humanity and clemency for their object ; but could never derive any sanction from cruelty and humanity. He wished to know what was to be done with these unhappy wretches ; and to what part of the world it was intended by the Minister they should be sent. He hoped it was not to Gambia, which, though represented as a wholesome place, was the capital seat of plague, pestilence, and famine. The gates of Hell were there open night and day to receive the victims of the law ; but not those victims which either the letter or the spirit of the law had doomed to a punishment attended with certain death. This demanded the attention of the Legislature. They should in their punishments remember that the consequences of transportation were not meant to be deprivation of life ; and yet in Gambia it might truly be said, that there "all life dies, and all death lives." He would wish, as a preliminary to something being done on the subject, that the state of the prisons, so far as respected persons under sentence of transportation, were laid before the House ; and this he thought would come best by several motions, which, if agreeable to the House, he should propose. Before he did this, he wished to know whether any contract had yet been entered into for sending these convicts to the coast of Africa. (He was answered, no.)

The Speaker remarked, that this motion came at somewhat too short a notice ; whereupon Mr. Burke withdrew it for the present.

This discussion, which took place on the 11th March, was followed by another on the 18th April in the same year :—

Government
policy.

Lord BEAUCHAMP begged leave to remind the House of an order that had been made at an early part of the present session, and of which he was sorry to find no notice whatever had been taken. The order to which he alluded was, that a report should be made to the House relative to the manner in which Government intended to dispose of felons under sentence of transportation. He presumed the right hon. gentleman would inform him when he conceived a return might be expected to the ordinary question, as he intended to ground upon that return a motion which he would submit to the House on a future day.

Mr. PITT admitted the importance of the subject, and stated as an excuse for the neglect of the order a very great hurry of

public business ; he would, however, take care that the return to it should be made with all possible dispatch. At the same time he thought the noble lord would do well if he would make the House acquainted at present with the nature of the motion that he intended to propose on a future day. 1785

Lord BEAUCHAMP replied that as his motion would in a great measure depend on the nature of the return, he could not, until he should have seen that return, gratify the wish of the right hon. gentleman. Some motion, however, would be absolutely necessary. The transportation of felons had generally been to places within the dominions of his Majesty ; but, if report spoke truth, Government had in contemplation to send them to the coast of Africa, and to form a colony of them out of the British territories. This appeared to him a subject well worthy of inquiry. Rumoured transportation to Africa.

Mr. BURKE said that the design of sending the felons to Africa was of a very serious nature ; it would affect not only the present unfortunate wretches who were under sentence of transportation, but also future generations of convicts, if the idea of colonising Africa with felons should be once adopted. He could not reconcile it with justice, that persons whom the rigour of the law had spared from death should, after a mock display of mercy, be compelled to undergo it by being sent to a country where they could not live, and where the manner of their death might be singularly horrid ; so that the apparent mercy of transporting those wretched people to Africa might with justice be called cruelty ; the merciful gallows of England would rid them of their lives in a far less dreadful manner than the climate or the savages of Africa would take them. Inhuman proposal.

Mr. PITT interrupted Mr. Burke by observing that he was assuming facts without any better authority than report ; he thought therefore it would be more proper for the right hon. gentleman to wait till he should have seen the return called for by the noble lord. Assuming facts.

Mr. BURKE said that though there was no question actually under discussion, he was not of opinion that in anything he had said he had been out of order. The situation of the felons who were to be transported called for immediate attention : he understood that seventy-five of them were now on board a ship which might sail before morning, and the wind would soon carry them out of the reach of the interposition of Parliament. He was now appealing to the Minister for his interference ; the King by his coronation oath had bound himself to execute judgment in mercy ; and the right hon. gentleman was the trustee of his Majesty's oath. There were, at the moment that he was speaking, nests of pestilence in the country ; the gaols were crowded beyond measure ; there was a house in London which consisted at this time of just five hundred and fifty-eight members ; he did not mean the House of Commons (though the numbers were alike in both), but the gaol of Newgate. Appeal for mercy. Crowded gaols.

1785 They attended in their places much more punctually than the
Newgate. members of the latter, and the reform in one would not be less agreeable than a reform in the other. Pestilence might be the consequence of so many persons being crowded in one house; and the public safety, no less than a humane regard to the individuals in question, called for the interposition of Parliament.
 Here the business rested for the day.

COLONISATION OF AFRICA.

INSTRUCTIONS for the exploration of the east coast of Africa were sent to the Admiralty from Whitehall, in a letter dated 22nd August, 1785, as follows :—

Proposed settlement. My lords,—The King having thought fit that a part of the southern coast of Africa, at and near the entrance of the River or Bay Des Voltas (28° 29' S.), should forthwith be explored, in order to fix upon a proper spot for making a settlement on that coast, if such a measure should hereafter be judged expedient, I am commanded to signify to your lordships his Majesty's pleasure that you do instruct the officer commanding his Majesty's ships employed for the protection of our settlements in Africa, with the ships under his command, and as soon after his arrival within the limits of his station, as your lordships shall judge proper, to detach one of the said ships to the said River or Bay of Des Voltas, directing her commander to use every possible means in his power to obtain the best survey or intelligence that he possibly can respecting the navigation at the entrance of and in the said river or bay, as well as upon the coast contiguous thereto, and to examine as minutely as circumstances will admit the place and produce of the country, the character and disposition of the inhabitants, and in general to use his utmost diligence in gaining every sort of information that may be requisite to be acquired previous to an attempt to carry into execution a plan of the nature I have before alluded to; and upon his return to England to transmit to me a particular account of his proceedings for his Majesty's knowledge and consideration.

Survey of the coast.

Report.

Natives not to be molested. Your lordships will at the same time take especial care that the commander of the ship to be sent on this service be particularly instructed to avoid giving any sort of offence or cause of complaint in the mode of conducting it, to the peaceable natives or to European settlers, in case he should happen to meet any such established upon that part of the coast.

It would appear that the report brought back by the *Nautilus* from the coast of Africa had the effect of preventing the despatch of convicts already ordered for transportation thither. On the 11th March, 1785, an Order had been made by the King-in-Council, under the Act of the previous year relative to "the effectual transportation of felons," directing that "the place to which the said several convicts shall be conveyed or transported shall be Africa." Another Order was made on the 27th April in the same year, directing that certain convicts should be conveyed or transported to America; but on the 13th May following a third Order was made, which, after reciting that the previous order of transportation to America could not be conveniently executed with respect to the place to which the convicts were ordered to be transported, appointed Africa as the place of their destination.

1785

Africa appointed place for transportation.

Africa substituted for America

In connection with these Orders, it deserves mention that when Burke uttered his protest in the House of Commons against any transportation to Africa he was interrupted by Pitt, who observed that he was "assuming facts without any better authority than report," and advised him to wait until he had seen an official return on the subject of the Government proposals for the removal of felons. This discussion took place on the 18th April, 1785; but it appears from the Orders referred to that Africa had actually been appointed the place for transportation shortly before that date, and again shortly after it. On the 5th March, in the same year, the Attorney-General was requested to prepare a draft Order appointing Africa to be the place to which convicts should be transported; and also to advise whether the place of transportation directed by the sentence could be changed by order of the King-in-Council.

Pitt misinformed.

ARTHUR PHILLIP.

In a letter to Lord Sydney, dated 3 September, 1786, Lord Howe wrote as follows with reference to the appointment of Captain Phillip:—

The benefit of the King's service being our common object, I am persuaded, my dear lord, it will never suffer for want of our ready concurrence when a necessary facility can be rendered by us, on either part, to promote the advancement of it on any occasion.

In the present instance, the settlement of the convicts as you have determined, being a matter so immediately connected with

Howe to Sydney:—

your department, I could never have thought of contesting the choice you would make of the officer to be entrusted with the conduct of it.

Does not
know much
about
Phillip.

I cannot say the little knowledge I have of Captain Phillip would have led me to select him for a service of this complicated nature. But as you are satisfied of his ability, and I conclude he will be taken under your direction, I presume it will not be unreasonable to move the King for having his Majesty's pleasure signified to the Admiralty for these purposes, as soon as you see proper, that no time may be lost in making the requisite preparations for the voyage.

The following Anecdotes of Governor Phillip were published in Phillip's Voyage, pp. 1-6:—

German
father.

Arthur Phillip is one of those officers who, like Drake, Dampier, and Cook, has raised himself by his merit and his services to distinction and command. His father was Jacob Phillip, a native of Frankfort in Germany, who, having settled in England, maintained his family and educated his son by teaching the languages. His mother was Elizabeth Breach, who married, for her first husband, Captain Herbert, of the navy, a kinsman of Lord Pembroke. Of her marriage with Jacob Phillip was her son Arthur, born in the parish of Allhallows, Bread-street, within the city of London, on the 11th of October, 1738.

Midship-
man.

Being designed for a seafaring life, he was very properly sent to the school at Greenwich, where he received an education suitable to his early propensities. At the age of sixteen he began his maritime career under the deceased Captain Michael Everet, of the navy, at the commencement of hostilities in 1755; and at the same time he learned the rudiments of his profession under that able officer, he partook with him in the early misfortunes and subsequent glories of the Seven Years' War. Whatever opulence Phillip acquired from the capture of Havannah, certain it is that, at the age of twenty-three, he there was made a lieutenant into the Stirling Castle, on the 7th of June, 1761, by Sir George Pococke, an excellent judge of naval accomplishments.

Lieutenant.

Country
gentleman.

But of nautical exploits, however they may raise marine officers, there must be an end. And Phillip now found leisure to marry and to settle at Lyndhurst in the New Forest, where he amused himself with farming, and, like other country gentlemen, discharged assiduously those provincial offices which, however unimportant, occupy respectably the owners of land, who, in this island, require no office to make them important.

In Portu-
guese navy.

But sailors, like their own element, are seldom at rest. Those occupations, which pleased Phillip while they were new, no longer pleased him when they became familiar, and he hastened to offer his skill and his services to Portugal when it engaged in warfare with Spain. His offer was readily accepted, because such

skill and services were necessary amidst an arduous struggle with too powerful an opponent; and such was his conduct and such his success that when the recent interference of France in 1778 made it his duty to fight for his king and to defend his country, the Portuguese Court regretted his departure, but applauded his motive.

His return was doubtless approved by those who, knowing his value, could advance his rank, for he was made master and commander in the Basilisk fireship, on the 2nd of September, 1779; but in her he had little opportunity of displaying his zeal or of adding to his fame. This step, however, led him up to a higher situation, and he was made post-captain into the Ariadne frigate, on the 13th of November, 1781, when he was upwards of three and forty. This is the great epoch in the lives of our naval officers, because it is from this they date their rank. In the Ariadne he had little time for active adventures or for gainful prizes, being appointed to the Europe, of sixty-four guns, on the 23rd of December, 1781. During the memorable year 1782, Phillip promoted its enterprises and shared in its glories. And in January, 1783, he sailed with a reinforcement to the East Indies, where superior bravery contended against superior force, till the policy of our negotiators put an end to unequal hostilities by a necessary peace.

The activity or zeal of Phillip was now turned to more peaceful objects. And when it was determined to form a settlement on that part of New Holland denominated New South Wales he was thought of as a proper officer to conduct an enterprise which required professional knowledge and habitual prudence. His equipment, his voyage, and his settlement in the other hemisphere will be found in the following volume. When the time shall arrive that the European settlers on Sydney Cove demand their historian, these authentic anecdotes of their pristine legislator will be sought for as curious, and considered as important.

Some further anecdotes of Phillip, after his return to England, may be found in the Adventures and Recollections of Captain Landman, late of the Corps of Royal Engineers, 1852, vol. i, p. 121:—

In the course of the same summer (1796) my father—Professor of Fortification and Artillery to the Royal Military Academy—paid me a short visit, and here had the unspeakable pleasure of meeting his oldest and most intimate friend, Captain Phillip, of the Royal Navy. At this time Captain Phillip had been the first Governor of New South Wales, and during a short time before his departure I was a midshipman of his ship. Phillip pressed my father very much to entrust me to his care during his meditated voyage to Botany Bay, assuring him that I should never do any duty, nor should he trust me out of his sight; but I was too young, and neither father nor mother could be induced to part with me.

Master and
commander.

Post captain.

Commodore.

Old friends
at Plymouth.

Going on
board the
Swiftsure.

Here, at Plymouth, Phillip commanded the *Swiftsure*, of seventy-four guns, lying in Causand Bay, and he invited my father and myself to go on board, taking with us Mrs. Phillip, a lady he had recently married. On arriving at Mutton Cove, where the boat was waiting to carry us off, the wind was so strong from south-west, directly contrary, that no boat could have performed the voyage; we therefore pulled away to a very small King's lugger, I believe, called the *Bull Dog*, held always in readiness to communicate with ships-of-war in Causand Bay; for there was no breakwater in those days. We were under sail in a few minutes. It took us some time to beat out so as to clear St. Nicolas' Island, during which time the spray was continually flying over our masts. On entering the open Sound our progress was exceedingly slow, for although we were running perhaps six knots per hour, yet we gained but little to windward; the sails were all close reefed, yet the lee gunwale was ever under water. I had never before been at sea, and although the waves were exceedingly high and every one washing over us, I was not sick, nor was either my father or Mrs. Phillip; but the Commodore, who had doubled every cape, had navigated every sea, had been tossed by the severest hurricanes, and, in short, had been longer on the seas than on the land, suffered in this way severely.

The Com-
modore
sea-sick.

Well I remember his little figure smothered up in his brown camlet cloak lined with green baize, his face shrivelled, and thin aquiline nose, under a large cocked hat, gathered up in a heap, his chin between his knees, sitting under the lee of the main-mast, his sharp and powerful voice exclaiming, "I cannot bear this, I am as sick as a dog!"

A dinner
party on
shore.

At length we arrived under the stern of the *Swiftsure*, when it was evident we should have experienced considerable difficulty had we attempted to go on board, so that Phillip having given some orders to the first lieutenant, who was at the gangway, we ran into Causand Bay, and there landed in a heavy surf. Here we dined at a miserable public-house; but we had brought with us the best excuse for very bad fare—a good appetite, caused by beating to windward against a south-west gale with drizzling rain for four hours. At an early hour we departed on foot, and walked over Maker Heights, by the side of Mount Edgecomb, towards the harbour, and on our way met an immense number of thin women proceeding with the utmost expedition, whilst all those we overtook, about equal in number, were large stout females, evidently waddling along with difficulty. On seeing these, Phillip explained that the latter were all wadded with bladders filled with Hollands gin, which they manage to smuggle under these dresses, whilst the others were thin and light, having delivered their cargoes at the water-side. It is surprising how such wholesale contraband should have been permitted, for everybody knew the trade they were engaged in.

Smugglers.

Plymouth dock was at this period full of gaiety. Fore-street was almost crowded with the officers of the navy and the army—the former swimming in prize-money—whilst the dillys (hackney-chariots) plying between Dock and Plymouth *via* Stonehouse, at six-pence each person, or eighteen-pence for the whole, were continually not only filled with sailors, but covered with them, all anxious to expend large sums of money, which had just been paid them in guineas, and which they were frequently seen carrying about the streets in their hats under their arms. A sailor in those days had no idea of saving up anything for the future. His only thought was to get rid of his money, and to such an extent was this desire for squandering it carried, that I recollect being on board the Swiftsure with Captain Phillip when a sailor carrying a pewter pint-pot in his hand nearly full of guineas came to his captain on deck, and begged very earnestly to be allowed to go on shore for the remainder of the day, in order to expend his prize money. Phillip knew the man, and stiffly refused his petition; the man soon reduced his demand to “one hour on shore, if you please, dear captain, and I promise you most sincerely to have then spent the last guinea.”

Sailors and their prize-money.

Leave to go ashore.

“No,” replied Phillip, “I know you will not return but when brought off by force,” and quickly turned away towards the cabin.

The sailor again, hat in hand, followed his commanding officer, begging for leave to go in the boat about to push off to the shore, and assuring the captain he would remain within sight of the officer in charge of the boat; still he was denied. “Then,” exclaimed the tar as he uttered a deep groan, “what’s the use of money if a man can’t get leave to spend it?” and at the same moment he dashed the pot and guineas overboard, and hastened away to the fore-castle without uttering another word.

What’s the use of money?

LETTERS FROM SYDNEY COVE.

AMONG the papers relating to New South Wales in the Public Record Office is the following letter from Major Ross to Nepean:—

My dear sir, Camp, Sydney Cove, 10 July, 1788.

I know not whether the Secretary of State expects I am to write to him or not, but I suppose rather not, for as I came out without any orders or instructions from your office with respect to the intentions of Government, so I am still ignorant of it, for the Governor has never told me, neither has he ever advised or consulted with me on the subject; and I believe everybody else are in the

Ross to Nepean: -

The Lieutenant-Governor and his grievances.

On the parrish.

Rose's prophecy.

Nothing to write about.

Not a worse country in the whole world.

dark as well as myself. Should his lordship expect letters from me, I hope you will think the above a sufficient excuse ; for I cannot see how I could write without informing him of the manner in which the Governor treats me as Lieutenant-Governor ; and as to the detachment, they have just the same cause for complaint that I have. This you will see cannot be done without my letter coming in the form of a complaint, which I by no means wish to be the case at this stage of the business, but I will not answer for what may be the case hereafter ; for, take my word for it, there is not a man in this place but wishes to return home ; and indeed they have no less than cause, for I believe there never was a set of people so much upon the parrish as this garrison is, and what little we want, even to a single nail, we must not send to the Commissary for it, but must apply to his excellency ; and when we do, he always says, "There is but little come out," and of course it is but little we get, and what we are obliged to take as a mark of favour.

If you want a true description of this country, it is only to be found amongst many of the private letters sent home ; however, I will in confidence venture to assure you that this country will never answer to settle in ; for altho' I think corn will grow here, yet I am convinced that if ever it is able to maintain the people here, it cannot be in less time than probably a hundred years hence. I therefore think it will be cheaper to feed the convicts on turtle and venison at the London Tavern, than be at the expense of sending them here.

A few months afterwards, Major Ross addressed the Under Secretary in still stronger terms :—

My dear sir,

I do not feel myself at all at ease with respect to you, as I much fear you expect to hear from me by every ship which sails from here. The truth of the matter is, that I have no one thing to communicate to you that can give you either pleasure or satisfaction, for unless I attempted to give you a description of this country, and of the hardships, mortifications and, I had almost said, cruelties we are obliged to submit to, I have no subject worth taking up your time with.

From our Governor's manner of expressing himself, for he communicates nothing to any person here but to his secretary (Captain Collins) he has, I dare say, described this country as capable of being made the empire of the east. But notwithstanding all he may, from interested motives, say—and as this letter is only for your own private perusal, I do not scruple to pronounce, that in the whole world there is not a worse country than what we have yet seen of this ; all that is contiguous to us is so very barren and forbidding that it may with truth be said—here nature is reversed, and if not so, she is nearly worn out, for

almost all the seeds we have put in the ground has rotted, and I have no doubt but will, like the wood of this vile country when burned or rotten, turn to sand. This latter is a fact that has been proved, and will, I much fear, be fatally felt by some of its present inhabitants; I say the present, because if the Minister has a true and just description given him of it, he will not surely think of sending any more people here. If he does, I shall not scruple to say that he will entail misery on all that are sent, and an expense on the mother country that, in the days of her greatest prosperity, she was not equal to, for there is not one article that can ever be necessary for the use of man, but which must be imported into this country. It is very certain that the whole face of it is covered with trees, but not one bit of timber have we yet found that is fit for any other purpose than to make the pot boil. Of the general opinion entertained here of the wretched prospect we have before us, I cannot, I think, give you a more convincing proof than that every person (except the two gentlemen already mentioned, whose sentiments I am perfectly unacquainted with) who came out with a design of remaining in the country, are now most earnestly wishing to get away from it.

No hope of
any exports.

Every one
anxious to
get away.

You will, no doubt, see a copy of the return which I am going to send to the Admiralty, as the Governor has requested it for your office. It is a return of that part of the marine detachment that wish to remain in this country, and the purposes for which they wish to stay. I think this return (will) open people's eyes more than a volume writ upon the subject would.

Marines
going.

There is an effort making for clearing some land for corn at the head of this harbour. The party gone and to go are to be under the care and protection of your old friend Campbell, who is to have two officers and twenty marines with him. His perseverance and attention to the forwarding the public service in general is too well known to require my saying anything on that head, unless it is to assure you that his abilities, ever since his arrival here, has been constantly employed with the most sedulous attention to the success of this settlement in particular; and was I in a situation that would admit my doing it, I most assuredly would make the Secretary of State acquainted with his worth; but as that is not the case, I dare say you will think it a justice due to any man—much more in the present instance, for your old acquaintance, whom I am sure you wished to serve. I flatter myself you will have pleasure in representing him as he deserves, and possibly by that means procuring him that for which he has served so long for.

Campbell
recom-
mended.

Old ac-
quaintance.

Marine Quarters, Sydney Cove,
16 November, 1788.

Johnson to Nepean :— Another letter to Nepean, written by the Rev. Richard Johnson, and dated from Port Jackson, July 12, 1788, contains an allusion to the general state of affairs in the settlement which may be compared with Major Ross's description of it :—

Port Jackson, in the County of Cumberland,

Hond. sir,

New South Wales, 12 July, 1788.

Health and welfare.

Though I have nothing particular to mention to you, I cannot think of letting the Fleet return to England without dropping you a single line to inform you of my health and welfare. It would be unnecessary for me, sir, to give you any account of the various circumstances or incidences respecting the Fleet during our late passage from England to this distant point of the globe, as no doubt you will receive ample information respecting these matters, together with a description of this country as to climate, natives, &c., &c., from his excellency Arthur Phillip, Esq., our Governor, and others.

No reason to complain.

Everything here is as yet, as you may easily suppose, very unsettled, but hope in time our situation will be rendered more comfortable ; and even now, all things considered, thank God, I have no reason to complain.

First case in the Civil Court.

You may remember, sir, a circumstance which greatly interested the publick a little before our leaving England. This was respecting the Norwich gaoler and two convicts, Cabel and Holmes, which, with a child, were removed from the Norwich Gaol to Plymouth, in order to be embarked on board one of the transports bound to New South Wales. These two persons I married soon after our arrival here. Some persons made a charitable contribution for these two persons ; collected the sum of £20, and laid this out in various articles, at the same time requesting that I would see this delivered to them upon our arrival here. Unfortunately these have not been found. This circumstance has been brought before the Civil Court here, when a verdict was found in their favor against the Captain of the *Alexander*. Am sorry this charitable intention and action has been brought to this disagreeable issue, the more so because the publick seemed to be so much interested in their welfare. The child is still living—of a weakly constitution—but a fine boy.

Hope, sir, you excuse my freedom in directing these few lines to you—my chief intention, as I have already mentioned, being to inform you of my health and welfare.

Evan Nepean, Esq.

Perhaps Mr. Johnson had more “reason to complain” than any one else in the settlement, seeing that he was left wholly unprovided with the necessary means of conducting religious services and attending to the wants of his congregation.

The following letter from an officer of marines to Sir Joseph Banks forms part of the collection of documents relating to the colony which came into the possession of Lord Brabourne :— 1788

Having experienced a long though favourable voyage from England, we arrived at Botany Bay on the 20th of January last, where we expected to lay a foundation for a colony, but I am sorry to say the country for several miles round the bay does not afford a spot large enough for a cabbage garden, fit for cultivation. The bay itself is beautiful and capacious, but open to the south-east winds, which prevail there at a certain season. It is surrounded with rocks, sandhills, and swamps, all which are covered as thick as you can possibly imagine with trees and underwood. You may easily suppose our disappointment was great in having our sanguine hopes so soon frustrated. However, during our dilemma, his excellency the Governor explored the coast to the northward, and in a few days returned with the pleasing account of having discovered the finest harbour in the world, viz., Port Jackson, so named by Captain Cook. On the following morning we quitted Botany Bay with pleasure, and anchored in Sidney Cove, Port Jackson, in the evening of the same day. Botany Bay.

The finest harbour in the world.

Port Jackson is without doubt the finest harbour in the known world. It extends from 15 to 20 miles into the country, forming beautiful bays and coves on every side, with deep water everywhere for ships of any burden. Sidney Cove, which is the seat of government, is 5 miles within the entrance of the harbour. The country all round the harbour is similar to that of Botany Bay, only more rocky, some few spots excepted, which may admit of cultivation with a deal of labour. The soil is in general sandy, and no freshwater river or spring has as yet been discovered ; still fresh water is found in many places, which is only the overflowing of swamps, consequently cannot be very wholesome. It has on our arrival here, and still does occasion many complaints, such as dysentery and worms. The climate is fine and temperate, and seems to be considerably influenced by the moon, as we have a deal of thunder and lightning at every change of that planet, besides torrents of rain. The lightning has done some damage by killing all the sheep belonging to the Lieutenant-Governor and others. We have had a great deal of rain in the months of June, July, and part of August, which seem to constitute the rainy season here. Sydney Cove.

Climate.

The country, as far as we know, produces few quadrupeds. The largest is the kangaroo ; they make use of their hind legs only in jumping or escaping from their enemies. The female carries and nurses its young in the pouch under its belly. The opossum is next in size ; they are easily tamed, and eat anything. There are flying squirrels—a spotted animal of the cat kind, but larger bodied—extremely destructive to fowls ; and three sorts of rats—the Native animals.

1788 kangaroo rat, which partakes of that animal ; the flying rat, which by the assistance of its bushy tail flies from tree to tree, which are numerous and very troublesome. These are all the quadrupeds we have seen here yet except the native dogs, some of which are large, and seem to be of the fox kind.

Birds. The birds are not so numerous as you would expect in a wild country, but very beautiful in general, especially those of the parrot kind. The ostrich is here, and the black swan ; one of each has been killed and several seen, besides many other birds, large and small, which I cannot describe. Twelve miles from this settlement I have shot wild ducks, pigeons, and quail.

Trees. The country produces five or six kinds of trees, two of which produce the same sort of gum, viz., a red astringent gum well known in England. These gum-trees grow to an amazing size, but are scarce worth cutting down. The only tree fit for building or any other use is the fir-tree, and even that is bad. There are here many shrubs, plants, and flowers totally unknown in Europe, some of which have been used medicinally with success by our surgeon, Mr. Considen, particularly the yellow gum, as a substitute for balsam of tolu.

Minerals. There is neither ore nor mineral as yet found, except iron, which is very common, and a small portion of copper.

The natives. The natives do not appear numerous, but the most wretched of the human race ; they are dressed in nature's garb, subsist chiefly on fish and roots we are unacquainted with ; they inhabit chiefly the cavities of rocks and trees ; their miserable huts, which are few, are constructed of the bark of trees. They do not wish to cultivate our acquaintance or friendship ; they are treacherous, for they have murdered several of the convicts and one marine, besides wounding many more ; indeed, they attack every person they meet unarmed, and appear civil to all those they meet armed ; this is what induces me to call them treacherous. They have spears which they use in fishing and in assailing their enemies, besides stone hatchets and chisels.

Kangaroo. The kangaroo is a very timid animal, incredibly strong for its size, and can jump faster than a hare can run ; its flesh is not bad eating—something like coarse mutton.

The country will never answer. Having given you a sketch of the country, I shall leave you to form your own opinion of it ; at the same time I beg to give mine, which is, that it will never answer the intentions of the Government, for two reasons : first, because it is at too great a distance from every trading country ; and secondly, it will never make any return to the mother country, nor can it support itself independent of the mother country these twenty years. I could adduce many other reasons beside these.

I shall now say a few words about the internal management of affairs in this country. About six weeks ago only, it was fortu-

nately discovered that there was not above eight months' flour in the colony; the consequence was that a council was convened, and the *Sirius* ordered to the Cape of Good Hope for a supply of that necessary commodity, and the rations lessened; it was likewise judged necessary by his excellency to order a detachment of marines and convicts to a place about 14 miles distant to cultivate the land, which is thought, by those who pretend to understand it, to be better soil and easier of cultivation than any nearer to us. However plausible this may appear, still the detachment is not yet gone (a few convicts excepted), and the season so far advanced that it is impossible they can raise grain time enough to prevent the impending danger, in case any accident should happen to the *Sirius*.

1788

Provisions.

Cultivation
at Parra-
matta.

An elegant brick house is built for the Governor, and another of hewn stone for the Lieutenant-Governor. An hospital was begun on our arrival here, and is not yet half finished, nor fit to receive an object; two store-houses were bungled up, and are now in a tottering condition. Private convenience is the chief study, and I am sorry to add that neither order, mode, nor regularity has appeared in any department in this colony. About four months since every gentleman had a grant of two acres of land and a labourer to clear and cultivate them. I can assure you that my brother-officers and myself have been at a great deal of trouble and expense to effect this, and now, when we were likely to reap the fruit of our labour, the men are taken from us to be sent with the detachment above mentioned, and I myself am ordered on the same service. We have been here between nine or ten months, and we are not as yet all hutted. You will hardly believe me when I say that we ourselves have been obliged, for the want of assistance, to cut thatch and wattles for our own huts; and now that I have nearly completed mine I must quit it, and willingly obey orders. I have lived in a marquee since I arrived here, and am likely to continue it much longer. We have laboured incessantly since we arrived here to raise all sorts of vegetables, and even at this distant period we can barely supply our tables, his excellency not excepted. This, together with the miserable state of the natives and scarcity of animals, are convincing proofs of the badness of the country. You will no doubt have a flattering public account, but you may rely upon what I have advised. Every gentleman here, two or three excepted, concurs with me in opinion, and sincerely wish that the expedition may be recalled.

An elegant
house.Officers'
troubles.Vegetables
very scarce.Every one
wishes to
return.

Port Jackson, Nov. 18, 1788.

To this letter is added a note by Sir Joseph Banks, in which he said:—

N.B.—It would not be prudent to rely wholly upon what this gentleman has advised, especially in that part of his letter that

1790 speaks of the quantity of flour in the colony. The public return of provision, dated Nov. 16, 1788, is as follows :—

	Months.
Beef and pork	20
Flour and rice	18
Butter	13
Pease	16

Surgeon
White.

A letter from Surgeon White, in the same collection, was published in an English newspaper, from which it was cut out and pasted on a sheet of paper, with the following note in the handwriting of Sir Joseph Banks :—"This letter was addressed to Mr. Skill, dealer in hams, tongues, salt salmon, &c., in the Strand" :—

Sydney Cove, Port Jackson, New South Wales.

Dear sir,

April 17, 1790.

Wreck of
the Sirius.

His Majesty's ship Sirius and Supply tender sailed from hence the 6th of March last, with the Lieutenant-Governor, half the marines, and about two hundred convicts, for Norfolk Island, and landed them safe the 16th. This division of our numbers the Governor thought necessary on account of the low state of our provisions. The ships stood off and on until the 19th, before an opportunity of landing the provisions and stores offered; then the Sirius stood in as close as possible to hasten and facilitate getting the things through a heavy surf, which continually rolls in on the beach, but by a current, or some other unforeseen cause, she was driven on a reef of hidden rocks and irrevocably lost. The ship's bow is in a position which will probably make her hold together until everything is got ashore, where all the officers and men are safe, with a greater store of provisions than we have here. Had the Sirius arrived safe, she was immediately to have gone to China for some relief for us, and on her despatch our all depended: but, alas! that hope is no more, and a new scene of distress and misery opens to our view.

Council of
war.

Rations
reduced.

When the Supply arrived with the melancholy tidings, the Governor called all the officers together, to consult and deliberate on what was best to be done in our present distracted and deplorable situation. He laid before us the state of the provision store, which contained only four months' flour, and three of pork at half allowance, which has been our ration for some time past, every other species of provision being long since expended. We therefore determined on the necessity of reducing our half allowance of those two articles to such a proportion as will enable us to drag out a miserable existence for seven months. Should we have no arrivals in that time the game will be up with us, for all the grain of every kind which we have been able to raise in two years and three months would not support us three weeks, which is a very strong instance of the ingratitude and extreme poverty of the soil and country at large; though great exertions have been made.

Much cannot now be done, limited in food and reduced as people are, who have not had one ounce of fresh animal food since first in the country; a country and place so forbidden and so hateful as only to merit execration and curses; for it has been a source of expence to the mother country, and of evil and misfortune to us, without there ever being the smallest likelihood of its repaying or recompensing either. From what we have already seen, we may conclude that there is not a single article in the whole country that in the nature of things could prove of the smallest use or advantage to the mother country or the commercial world.

1790

Curse the country.

Not a single article of any use.

In the name of Heaven, what has the Ministry been about? Surely they have quite forgotten or neglected us; otherwise they would have sent to see what had become of us, and to know how we were likely to succeed. However, they must soon know from the heavy bills which will be presented to them, and the misfortunes and losses which have already happened to us, how necessary it becomes to relinquish a scheme that in the nature of things can never answer. It would be wise by the first steps to withdraw the settlement, at least such as are living, or remove them to some other place.

No hope for the settlement.

This is so much out of the world and tract of commerce that it could never answer. How a business of this kind (the expence of which must be great) could first be thought of without sending to examine the country, as was Captain Thompson's errand to the coast of Africa, is to every person here a matter of great surprise. Mons. Peyrouse and Clonard, the French circumnavigators, as well as us, have been very much surprised at Mr. Cook's description of Botany Bay. The wood is bad, the soil light, poor, and sandy, nor has it anything to recommend it. Accurate observers have surveyed the country without being able to see anything like the meadow land that Mr. Cook and others mention. The Frenchmen declare the same, and that in the whole course of their voyage they never saw a place half so unpromising for a settlement as this. They laid at Botany Bay eight weeks, just after their arrival in the country, repairing some damages which the Boussole and Astrolabe under their command received while at the Navigators' Islands. Before they came to Botany Bay they had been at Norfolk Island, but could neither anchor nor land. They made an observation with respect to it which, from its singularity, propriety, and force I cannot suppress, that it was only a place fit for angels and eagles to reside in.

Out of the world.

Mr. Cook.

French opinion.

An epigram.

The Supply tender sails to-morrow for Batavia, in hopes the Dutch may be able to send in time to save us. Should any accident happen to her, Lord have mercy on us! She is a small vessel to perform so long and unexplored a voyage, but we rely much on the abilities and active attention of Lieutenant Ball, who commands her. Lieutenant King, 2nd of the Sirius, takes his

The only chance left.

1790 passage in her to Batavia, and from thence to the Cape of Good Hope (in his way to Europe), where he has orders to charter a ship and send her to us immediately, should no other ships have passed that place in their way here.

Whatever may be my fate and that of my fellow-sufferers, God bless you all in England, prays your faithful and sincere, &c., &c.

Paste and
scissors.

Under the usual heading "Botany Bay," another letter from Sydney Cove, dated April 14, 1790, appeared in an English newspaper, from which it was cut out and pasted on a sheet of paper, indorsed in the handwriting of Sir Joseph Banks—"Oracle, April 25, 1791"—that being the name of the newspaper and the date of publication. It was headed—"Extract of a letter from an Officer, dated Port Jackson, New South Wales, April 14, 1790."

Cut off from
society.

By the time this reaches you, the fate of this settlement and all it contains will be decided. It is now more than two years since we landed here, and within less than a month of three since we left England. So cut off from all intercourse with the rest of mankind are we that, subsequent to the month of August, 1788, we know not of any transaction that has happened in Europe. The little European knowledge that we are masters of, we picked out of old English newspapers which were brought from the Cape of Good Hope about a twelvemonth back in the Sirius. But great as our anxiety is on this head, it falls short of what we suffer on another account. The dread of perishing by famine stares us in the face; on the day I write we have but eight weeks' provision in the public stores, and all chance of a reinforcement under seven months is cut off, unless ships from England should yet, notwithstanding the lateness of the season, come in upon us.

Perishing by
famine.

Wreck of
the Sirius.

To add to our misfortunes, the Sirius (one of the two ships-of-war on this station) was totally and irretrievably lost on Norfolk Island the 19th of last month. The particulars of this trying calamity I cannot at present spare time to write, but I am happy to say that Captain Hunter and all the rest of her crew were saved with difficulty. She had left us for Norfolk Island in the beginning of the month, and carried to that place the Lieutenant-Governor, half the battalion of marines, and two hundred convicts, whom it was thought advisable to send there, in order that we may be as variously dispersed in the approaching crisis to procure food as possible. Had the Sirius returned safely here, it was intended to have dispatch'd her immediately to China to load with provisions for the colony. All that can now be done is to dispatch the Supply, a little brig commanded by a lieutenant of the navy, to Batavia, where she is, if possible, by offering any price, to procure a large ship and load her with relief for us. Our present allowance is a short one—2 lb. of pork, which was cured four years ago, and shrinks

to nothing if boiled; $2\frac{1}{2}$ lb. of flour, 1 lb. of rice, and 1 lb. of pease per week, is what we live upon. If Heaven be but favorable to the voyage of the Supply (and, thank God, she is as ably commanded and navigated as any ship in the King's service) all things will yet do; for when I spoke of only eight weeks' provisions in the stores I meant at full allowance, whereas what we have at present is but a third. 1790

Again, to help us out we use every means to get fish, and sometimes with good success, which is an incredible relief. On the fishing service the officers, civil and military, take it in turns every night to go out for the whole night in the fishing-boats; and the military besides keep a guard at Botany Bay and carry on a fishery there, taking it three days and three days, turn and turn about. Were the ground good, our gardens would be found of infinite use to us in these days of scarcity, but with all our efforts we cannot draw much from them. As to parade duties and show we have long laid them aside, excepting the mounting a small guard by day and a picquet at night. Our soldiers have not a shoe, and mount guard barefoot. Fishing parties. Soldiers barefoot.

Among other letters which I write by this opportunity is a very long one to the . . . in which I have very fairly and freely set down my opinion about this country. The following passage, which I extract for your satisfaction, will, I hope, impress his lordship strongly with the idea of giving his opinion for abandoning the colony should he ever be consulted on the occasion, or should it at any time become matter of parliamentary debate:— A letter to Lord —

The country, my lord, is past all dispute a wretched one—a very wretched—and totally incapable of yielding to Great Britain a return for colonising it. There is no wood fit for naval purposes; no fibrous grass or plant from which cordage can be made; no substance which can aid or improve the labours of the manufacturer; no mineral productions; no esculent vegetable worth the care of collecting and transporting to other climes; and lastly, which is of the most serious consideration, no likelihood that the colony will be able to support itself in grain or animal food for many years to come: so that a regular annual expense is entailed on the mother country as long as it shall be kept. Reasons for abandoning the colony.

Besides this, I have given his lordship every other piece of information relative to our government, management of the convicts, and knowledge of the natives, in my power.

The following letter, written by an officer of the Sirius to a friend in Chelsea, is indorsed "Chelsea letter" in Sir Joseph Banks's handwriting. The person to whom it was addressed sent it for publication with an introductory note, dated "Chelsea, December 31, 1790," in which he described his correspondent as "a very worthy and intelligent young man, who left England as an officer in his Majesty's ship Sirius." Like the other letters

1790 from Sydney in Sir Joseph's collection, it appears in the shape of a newspaper cutting pasted on a sheet of paper :—

Outposts, Port Jackson, April 14, 1790.

Ever honoured and dear sir,

My warmest and most affectionate good wishes are herewith bound to yourself, my dear aunt and cousins. Glad I am to have an opportunity of conversing with friends whom I so much esteem ; but you will join with me in thinking the circumstances that furnish it untoward.

Starvation allowance.

I bless God, though unfortunate, we have enough for which to be thankful. But before I mention the grand catastrophe, I will just trace back the steps that led to it. We have long waited here in vain expectation of receiving a supply of provisions, &c., from England, but nothing has as yet arrived. The consequence is that the allowance has, for half a year past, been diminished from time to time ; and lately to such a degree as to be most sensibly felt by all. Were we at a full quantity, our food, from being so long in store, affords but little nutriment. We are now at less than half allowance, and some articles of diet are deficient, having been consumed. We are now on the brink of going three on one man's dividend ; and a few weeks must, if nothing arrives, put us on a quarter allowance. The consequence of this we shall not dwell on ; but it is certain that any moderate man, on full allowance, especially if laborious, has but little left when provisions becomes due. After waiting so long that the general hopes began to diminish, the Governor thought proper in this emergency to send Major Ross, Commandant of marines, with many officers, privates, and common people of both sexes, to Norfolk Island, with a proportionable part of the remaining provision. This, I believe, was done because of the more thriving soil at Norfolk, and on account of fish being there in greater plenty.

Sirius sent to Norfolk Island.

South Head.

We have for near three months had a look-out kept here for ships towards the sea. The flagstaff is situated on very high land, being the south head of the harbour, just by the entrance, and the huts in which we reside are close adjacent. For the first four or five weeks, a commissioned officer and midshipman were stationed here with a party of men ; but on the ships being ordered for sea, or rather before that time, his excellency was pleased to direct that this charge should devolve upon myself and the gunner jointly.

Qua cursum ventus.

When all things were adjusted, they embarked on board the Sirius and Supply ; they left this port on the 6th of March, 1790, and I, from the flagstaff, followed them with my eyes till out of sight. Nothing more of them was seen till April the 5th instant, when the man who takes his station there at daybreak soon came down to inform me that a sail was in sight. On going up, I saw her coming in with the land, and judged it to be the Supply ; but

was not a little surprised at her returning so soon ; and likewise being alone. My mind fell to foreboding an accident ; and on going down to get ready for waiting on the Governor, I desired the gunner to notice whether the people mustered thick on her decks, as she came in under the headland ; thinking in my own mind, what I afterwards found, that the *Sirius* was lost. 1790

The Supply brought an account that on the 19th of March, about noon, the *Sirius* had, in the interval of loading the boats, drifted rather in with the land ; on seeing this, they of course endeavoured to stand off ; but the wind being dead on the shore, and the ship out of trim, and working unusually bad in staying (for she would not go about), just as she was coming to wind she tailed the ground with the after part of the keel ; and with two sends of the vast surf that runs there, was completely thrown on the reef of dangerous rocks called Point Ross. In this last extremity, they luckily let go both anchors and stopped the cables securely, and this, though it failed of the intention of riding her clear, yet caused her to go right stern foremost on the rocks ; by which means she lay with her bow opposed to the sea—a most happy circumstance ! for had she lain broadside to—which otherwise she would have had a natural tendency to have done—it is more than probable she must have overset, gone to pieces, and every soul have perished. Her bottom bulged immediately, and the masts were soon cut away : and the gallant ship, upon which hung the hopes of the colony, was now a complete wreck. They brought a few of the officers and men hither : the remainder of the ship's company, together with Captain Hunter, &c., are left there, on account of constituting a number adequate to the provisions, and partly to save what they possibly can from the wreck. I understand there are some faint hopes, if favoured with extraordinary fine weather, to recover most of the provisions ; for she carried a great quantity there, on the part of the reinforcement. The whole of the crew were saved to a man, by God's mercy, most providentially, on a coast so dangerous as to give but small hopes of escaping on such an occasion ; every exertion being used, and all assistance received from the Supply and the colonists on shore. A happy circumstance.

The passengers fortunately landed before the accident ; and I will just mention to you the method by which the crew were saved :—When they found that the ship was ruined, and giving way upon the beam right athwart, they made a rope fast to a drift buoy, which by the surf was driven on shore. By this a stout hawser was conveyed, and those on shore made it fast a good way up a pine-tree ; the other end being aboard was hove taught. On this hawser was placed the heart of a stay (a piece of wood with a hole through it), and to this a grating was flung, after the manner of a pair of scales. Two lines were made fast on either side of the heart—one to haul it on shore, the other to return it on board. On How the crew were saved.

1790 this kind of frame the shipwrecked seated themselves, two or more at a time, and thus were dragged on shore through a sad dashing surf, which broke frequently over their heads, keeping them a considerable time under water. Some of them in coming on shore were half drowned and a good deal bruised. Captain Hunter was considerably hurt, and with repeated seas knocked off the grating, insomuch that all lookers on feared greatly for his letting go ; but he got on shore safe, and his hurts are by no means dangerous. Many private effects were saved by the seas driving them on shore when thrown overboard ; but it was not always so courteous. Much is lost, and many escaped with nothing more than they stood in.

Hunter's
escape.

But for this ill-hap it was intended to have sent the *Sirius* to China immediately on her return for provisions. The *Supply*, however, is getting roady with all expedition for sea. She is, if convenient, to touch at Norfolk Island on the way to receive the first lieutenant, who is to have the charge of bringing hither whatever vessels may be taken up, but not for this or any other purpose to make any long delay, for the errand she goes upon is, as you perceive, of the last importance.

The *Supply*
bound for
Batavia,

Batavia is the port to which they are first bound ; if a ship or ships cannot be got there, they will proceed to China or the Cape, possibly both ; and if at the latter no news is heard of any that have sailed on their way to New Holland, or in case they have, and yet there is reason to judge, from the time, &c., that something fatal had befallen them, they must then take up a very capital concern on Government account, which, at this rate, must exceed six months. But we must hope for something sooner, or this may come too late.

thence to
China and
the Cape, if
necessary.

It is one satisfaction, amidst this gloomy state of things, to see prudent measures pursued in order to avert, as much as possible, the present and impending evils. Private stock, of which, by-the-bye, there is but little, is purchased on the public account, and served in lieu at the store. Seed and every proper encouragement is now given to those who will industriously cultivate the ground. There are several spots laid out for raising vegetables, and these are designed for a public concern. I am sorry to observe that the most useful productions, such as grain, thrive very indifferently ; but they have some spots at a little settlement up the harbour, called Rose Hill, where things thrive tolerably well, but altogether quite inadequate to the purpose of public subsistence. 'Tis true most of the settlers have each a cultivated spot, but vegetables, if put

Measures
taken to
avert star-
vation.

wholly to it, are but a flimsy diet, and here they are by no means in lavish abundance. The boats, let who will own them, are all sent to fishing for the community ; fish being served out as pork, only in larger proportion, by way of making the provisions hold out. People are also appointed to go into the woods after kangaroos, but this is rather a precarious supply, and seldom turns to much account. But all helps, and if it was less 'twere worthy the trying for.

Flimsy diet.

The duty of the people is by the Governor's consideration lessened, 1790
in proportion to their stinted allowance, and they have every afternoon to themselves for attending to the main concern—how to subsist. His excellency has kindly taken into his mess those of the officers who were shipwrecked; and his disinterested conduct in sharing the public inconveniences merits every encomium. Phillip's kindness.

Early and late do I look with anxious eyes toward the sea; and at times, when the day was fast setting and the shadows of the evening stretched out, I have been deceived with some fantastick little cloud, which, as it condensed or expanded by such a light, for a short time has amused impatient imagination into a momentary idea that it was a vessel altering her sail and position while steering in for the haven; when, in an instant, it has assumed a form so unlike what the mind was intent upon, or has become so greatly extended, as fully to certify me of its flimsy texture and fleeting existence. Fantastick little clouds.

Surely our countrymen cannot altogether have forgotten us, or have been vainly led by any silly, sanguine representations from hence, to trust that we could make it out tolerably well without their assistance. Forgotten at home.

The occasions that call me to town are only sometimes to draw provisions, which is done weekly. On these occasions I generally dine out; for in our visitings it has long been the custom to put your bread at least in your pocket; and the usual form of salutation is, "Will you bring your bread and come and see me?" The Governor too, on whom I always wait when up at Camp, usually detains me to dine with him. Dining out.
D.S.

A footnote to this letter informs us that the writer's name was Daniel Southwell; and another note, written by the person to whom the letter was sent, contained an extract from a former letter written by Southwell, in which he described the entrance of the First Fleet into Port Jackson:—

Soon after (in January, 1788) we had sight of the harbour, and at 4 p.m. were in the entrance between the north and south heads, the ships all standing after us. At length we saw the Supply, seemingly up in the woods amongst the trees, occasioned by the meandering windings of this beautiful harbour, and before sunset the whole of our fleet were safely anchored near our consort, in a most commodious reef known as Sidney Cove. The fleet coming in.

To this note was added the following description of Port Jackson:—

Though the party who had made a prior visit to this place were so warm in their praises as to draw upon themselves the charge of exaggeration, it must be confessed they did no more than justice to its merits. As a place for shipping it is perfectly

1790 landlocked, and has several capital arms furnished with many inlets, coves, and bays, where whole fleets might lay in safety, with good water under them and fine holding ground at the bottom. Indeed nothing can be conceived more picturesque than the appearance of the country while running up this extraordinary haven. The land on all sides is high and covered with an exuberance of trees. Toward the water, craggy rocks and vast declivities are everywhere to be seen. The scene is beautifully heightened by a number of small islands dispersed here and there, on which, with a little help of the imagination, you discover charming seats and verdant vistas, superb buildings, grand ruins of stately edifices, &c., which, as we passed, were only visible at intervals, the view being every now and then agreeably interrupted by the intervention of some proud eminences, or lost in the labyrinths of the groves that so abound in this fascinating scenery. The novelty of this picture was still increased by the frequent appearance of the natives, who now and then, posting themselves high on the rocks upon some conspicuous overhanging cliff, would brandish their spears as though to dispute our passage. There was a something frantick in the manner of these petty veterans, their menacing gestures being occasionally interrupted by long considerings and excessive fits of laughter, in which there seemed to be more of agitation than of those pleasing emotions that usually excite risibility.

The harbour
and its
scenery.

Mourir pour
leur patrie.

DESERTED COLONIES.

In 1581, a powerful armament was fitted out by Phillip the Second of Spain, for the purpose of fortifying certain points on the shores of the First Angostura, or narrows, in the Straits of Magalhanes, in order to guard the passage against English ships, and also for the purpose of founding a colony there. At that time the Straits were regarded as the key of the Pacific Ocean, the passage round Cape Horn not being then known to navigators. Twenty-three ships were equipped for the expedition, and three thousand five hundred men were put on board, including many artificers, with large stores of ammunition and ordnance. The fleet was formed into three divisions, one of which was to proceed to Chili, and a second to Brazil, while the third was to remain in the Straits, under the command of Pedro Sarmiento, at whose suggestion the enterprise had been undertaken. The whole fleet was directed to sail in company to the Straits for the purpose of assisting Sarmiento in planting the intended colony. The ships sailed from Seville in September, but a succession of disasters reduced their number to

Spanish
colonisation.

Sarmiento.

such an extent that only five of them, with five hundred and thirty persons on board, entered the Straits in February, 1584. One of the ships ran aground and was wrecked there, while three of the others sailed away in the night-time for Spain, leaving Sarmiento with only one ship, four hundred men, and thirty women, with provisions for eight months. The foundations of two towns—named Nombre de Jesus and San Felipe—having been laid, Sarmiento sailed for Brazil in order to obtain supplies. Still pursued by misfortune, his ship was driven on the coast and wrecked, while another vessel which he had chartered and loaded with provisions for the colony was unable to reach the Straits. Sarmiento then sailed for Spain, and the colonists were left to their fate—which is thus described in Burney's History of the Discoveries in the South Sea, vol. ii, p. 68 :—

1584-6

Two towns
laid out.

Deserted.

January the 6th [1586] Mr. Cavendish [an Englishman who had fitted out three small ships for a buccaneering cruise against the Spaniards] arrived at the entrance of the Straits of Magalhanes, and in the evening anchored with his squadron near the First Angostura. During the night, lights were observed on the north shore, which were supposed to be intended as signals to the ships, and lights were shown in answer. The next morning the General went in a boat to the northern side of the Strait, and as the boat ran along by the land three men were seen on shore, who made signals by waving a white flag. The General stood in, and when the boat drew near the men on shore enquired in the Spanish language to what country the ships belonged. These men were Spanish soldiers, part of the garrison that had been brought from Europe by Sarmiento to guard the Strait. The General, who had received information, before he left England, of the distressed condition of the Spaniards in this part of the world, and which no doubt was confirmed by the appearance of these men, ordered one of his people, who understood the Spanish language, to tell them that the ships were English ; but that if they chose to embark with him he would carry them to Peru. The Spaniards, on hearing to what nation the people in the boat belonged, said they would not trust themselves with the English for fear that they should be thrown overboard. The Englishman answered that they might safely embark, for the English were better Christians than the Spaniards. After this dialogue, the Spaniards resolved to abide by their own determination ; but, after a short consultation among themselves, they agreed in opinion that it could not be worse to trust the English than to stay where they were certain to perish. They accordingly called after the boat, which returned to the shore, and one of the Spaniards stepped into her. The General enquired of him what other Spaniards were on shore, and was answered, that

Rescue.

A white flag.

National
hatred.

1534-6 besides the three that he had seen there were fifteen more (twelve men and three women). The General then desired that two soldiers, the companions of him who had embarked, should be instructed to go to the other Spaniards and inform them that if they desired to leave the place they should come to the shore nearest the ships and he would receive them all on board. With this message the two soldiers departed, and the boat left the shore.

Deserted again.

When the General arrived on board he found the wind favourable for advancing up the Strait; upon which, without any waiting, he ordered the anchors to be taken up, and the ships immediately sailed forward, leaving the wretched remains of the Spanish colony with this cruel disappointment added to their other miseries, and utterly abandoned of man—both friend and foe.

The Spaniard who was received into the English ships was named Tomé Hernandez. From a public declaration which he made many years afterwards has been received all that is known of the history of this neglected colony subsequent to the departure of Sarmiento from the Strait. The following is a summary of the account given by Hernandez :—

The survivor's account.

The Spanish settlers were landed from the ships in February, 1584. In the latter part of May, their General was forced out of the Strait by a gale of wind, and there remained no vessel with the colony. In August, the Spaniards who had been left at Nombre de Jesus judged it necessary to quit that station and to remove to the town of San Felipe, to which place they travelled by land, but sustenance for so many people could not be obtained at San Felipe; and Captain Andres de Viedma, who commanded after the departure of Sarmiento, sent two hundred men back to Nombre de Jesus, who had no other means to support themselves in the journey than by seeking for shell-fish along the coast. Many died during the winter. The ensuing spring and summer were passed in constant and anxious expectation of the return of Sarmiento, and of receiving relief from the Spanish colonies in South America; but neither Sarmiento nor relief of any kind arrived. When the summer was far advanced, Viedma, who remained with the people at the town of San Felipe, caused two small barks to be built, in which he embarked with all the people who were then living at that place, being fifty-five in number—fifty men and five women. (Hernandez has described the time so indistinctly that it appears uncertain whether this event took place in the beginning of 1585 or of 1586.)

Expectations of relief.

Attempt to escape.

Another wreck.

They set sail towards the eastern entrance of the Strait; but when they proceeded only six leagues from San Felipe, one of the barks was cast on the rocks and wrecked. This accident was entirely occasioned by there not being among them any mariners who could manage the vessel. The people got from the wreck safe to the land, but the remaining bark was not large enough to carry the whole; and this loss, with their want of a stock of provisions suffi-

cient for a sea voyage, made them for the present relinquish the project of quitting the Strait. To increase the means of subsistence, it was determined to separate the people into small divisions. About twenty returned to San Felipe: the remainder spread themselves in small parties along the coast. Some ground had been cleared and sown with grain; but their agricultural attempts were not productive. Pretty, in his account of the voyage of Mr. Cavendish, has related that during the time the Spaniards were in the Strait "they could never have anything to grow or in anywise prosper, and on the other side, the Indians preyed on them." It is probable that the natives, with whom the Spaniards were not upon friendly terms, destroyed their crops and prevented their deriving assistance from the cultivation of the ground.

1763-5

Hostile natives.

A short time before the arrival of the vessels of Mr. Cavendish, all who remained living of the parties along the coast, and of the people of San Felipe, joined; their number being reduced by hunger and sickness to eighteen (fifteen men and three women).

Reduced to eighteen

In the town of San Felipe, many lay dead in their houses, and even in their clothes, those who were left alive not having strength or spirits to bury their deceased companions. The town at length became so tainted that the survivors could not longer remain in it. Some among them proposed that they should attempt to go by land to the River de la Plate; but the smallness of their number, their exhausted strength, and the danger of finding the natives everywhere hostile, were objections to this plan; and the majority trusting to the arrival of some ship for their deliverance, it was therefore agreed to travel to the first settlement (Nombre de Jesus). In their journey along the coast, they passed many dead bodies of their countrymen who had perished in seeking for subsistence, or in travelling from one to the other settlement, and some who had been killed by the natives.

A dead town.

The history of the French colony sent out in 1763 to Cayenne (French Guiana) forms another illustration of the same kind.

French colonisation.

"Choiseul, the Prime Minister, having obtained for himself and his cousin Praslin a concession of the country between the Kourou and the Marone, sent out about twelve thousand volunteer colonists, mainly from Alsace and Lorraine [which had been ceded to France in 1697]. They were landed at the mouth of the Kourou, where no preparation had been made for their reception, and where even water was not to be obtained. The necessary tools for tillage were wanting. By 1765, no more than nine hundred and eighteen colonists remained alive, and these were a famished, fever-stricken band. A long investigation by the Parliament of Paris proved only that some one had blundered."—Encyclopædia Britannica, Art. Guiana.

Some one had blundered.

FROM PITTWATER TO SYDNEY IN 1789.

1789 "IN the morning of the 13th [July], as we intended to land well up this branch [Pittwater] in order to avoid the most difficult and tiresome part of the road to Port Jackson, we embarked after we had breakfasted and rowed up about a couple of miles, when the party for walking went on shore, each with his arms and knapsack containing two days' provisions. We were about half an hour in getting through the wood which led to the sea-coast, where we fell into our own and well-known path, and by four o'clock in the afternoon arrived at the north part of Port Jackson; but we might as well have been fifty leagues off, for here we could have no communication either with the Sirius or the settlement, and no boat had been ordered to meet us. We went immediately to work and made a large fire, by which we lay all night, which happened to be very cold.

Walk from
Pittwater.

Camp at
Middle
Harbour.

Capsized in
a canoe.

"The next day we crossed the hills and came to the mouth of the north-west harbour, but could not find the means of crossing it; muskets had been frequently fired during the night in hopes that some boat might have been down the harbour fishing and heard them. We found this morning a canoe upon the beach, with which we had no doubt of getting two men across the water, who could in a short time walk over to the cove where the Sirius lay; but this prospect was disappointed by the first man who entered the canoe having overset her and she immediately sunk, and he was obliged to swim ashore. After this we went to work to make a catamaran of the lightest wood we could find, but when finished and launched it would not, although pretty large, bear the weight of one man.

Walk back
to Broken
Bay.

"It was now proposed to walk round the head of the north-west harbour, which would have been a good long journey for at least two days, and our provisions were nearly expended. To this proposal I was under the necessity of objecting for want of shoes, the last march having tore all but the soles from my feet, and they were tied on with spun-yarn. I therefore declined the proposed walk, and determined to go back to Broken Bay and rejoin the boats, which I had no doubt in being able to effect in the course of that day, and with far more ease than I could, without shoes, climb such rocky mountains and thick woods as lay in the way round the head of the north-west harbour. But as it was likely I might fall in with some parties of the natives in the way, I wished to have a companion. Captain Collins preferred accompanying me on the intended walk, and we were just upon the point of setting out when two of the people who were with us proposed

swimming over the water and to cross through the wood to the Sirius. The distance they had to swim was not more than two cables length, or four hundred yards. They immediately stripped, and each having had a dram they tied up in a handkerchief a shirt, trousers, and a pair of shoes each, which was rested upon their shoulders. Thus equipped they took the water, and in seven minutes landed on the opposite shore; but one, being seized with the cramp, was obliged to disengage himself from his bundle, which was of course lost. They set off through the woods, and in a short time got on board the ship—the one with his shirt and trousers, the other perfectly naked. Upon their information a boat was sent down and took us on board, after a pretty fatiguing journey.

1789

Swimming
across the
harbour.

"I cannot help here remarking how providential it was that we did not all agree to walk round the north-west harbour. At eight in the morning we heard the report of a great gun, which led me to suspect that some person belonging to the Sirius was missing, and had probably been lost in the woods. We frequently fired muskets that morning, and sometimes imagined we heard a musket at a considerable distance in the woods. In consequence of this suspicion we frequently fired several together, and as often heard the report of that which we believed was meant to answer us; in short, by means of these repeated volleys we drew nearer to that which answered us, and by hallooing all together found we had got within hearing of the person who had answered our firing; for after calling out we listened attentively, and heard a very faint voice in answer. In that direction we walked, and at last by frequent calling and answering we found the person out, who proved to be Peter White, sailmaker of the Sirius, who had been four days lost, and when he set out from the ship had not four ounces of biscuit with him, one ounce of which he had still left. He was very faint, and appeared to us to be stupid and almost exhausted, for he staggered like a man drunk. We took him with us, and by giving him such provisions as we had, in small proportions, he was in a few hours a great deal recovered; but I think if he had not been found as he was, in twenty-four hours more he would not have been able to make any further effort to save himself, and must have perished where he lay down. It is remarkable that the flint of his gun being worn to a stump, he could not get fire out of it the whole day before, when trying to shoot some birds for his subsistence, until night came on, when it was necessary for him to have a fire to sleep by; he then tried it again with very little hope of succeeding, but contrary to his expectations he got a fire and sat by it the whole night. The next morning it failed him repeatedly until he had occasion to answer our muskets, when it struck every time he wished to answer us, otherwise in all probability we should not have found him. This is exactly his own account."—Hunter, Journal, p. 155.

Report
of a gun.Lost in the
bush.Saved by a
spark.

PHILLIP'S STAFF.

- 1787 *Governor-in-Chief* :—His Excellency Arthur Phillip.
Lieutenant-Governor :—Robert Ross.*
Judge of the Vice-Admiralty Court :—Robert Ross.
Chaplain :—Rev. Richard Johnson.†
Judge-Advocate :—David Collins.‡
Secretary to the Governor :—David Collins.
Surveyor-General :—Augustus Alt.§
Commissary of Stores and Provisions :—Andrew Miller.||

* Appointed to Norfolk Island during the absence of Lieutenant King, from March, 1790, to October, 1791; returned to England in December, 1791, his place as commanding officer of the forces being taken by Major Grose of the New South Wales Corps, who arrived in February, 1792, with a commission appointing him Lieutenant-Governor of the colony.

† The only reference to the appointment of the chaplain, in the records, is the following letter from Sir Charles Middleton, without address or date. It was probably written to Nepean :—

Dear sir,—As Mr. Wilberforce is not in town himself, I introduce, for a few minutes' conversation, Mr. Johnson, who is nominated as minister for Botany Bay. He has settled his business with the Treasury and therefore comes to you for his appointment, and an order for a few Parish things, which are perfectly proper and not paid for by individuals. He may procure them himself, and they may be brought into one list of necessaries. I am, with much regard, dear sir,

Yours, &c.,

CHAS. MIDDLETON.

“The Rev. Richard Johnson was the first clergyman who ever landed in this colony, and by his prudence and economy he made a large fortune, with which he was now (1800) about to return to England. Mr. Cox purchased from this gentleman his estate, which joined the Brush Farm. It consisted of six hundred acres of land, about one hundred and fifty sheep, a mare and three fillies, and some horned cattle. This purchase increased my ride to about twelve miles; there was in it about two acres of vineyard, which, some years, bore abundantly; and another acre covered with large orange-trees, early nectarines, peaches, and some apricots. The place was called Canterbury; it was about five miles from Sydney.”—*Memoirs of Joseph Holt*, vol. ii, p. 98.

‡ Returned to England in September, 1796.

§ The inscription on his tombstone, in the old burial-ground at Parramatta, gives his name and services as follows :—“Sacred to the memory of Augustus Theodore Henry Alt, Baron of Hesse Cassel, who died January 9, 1815, aged 84 years; late Surveyor-General of New South Wales, at the first settling of this colony, which situation he held till superannuated. He served in the Guards in George the Second's reign; was Aide-de-Camp to Prince Ferdinand at the Battle of Minden (1759), and Captain in the Royal Manchester Volunteers at the Siege of Gibraltar under General (? Eliott, 1781), where he distinguished himself in a gallant manner. He died universally regretted by all his friends, who lost in the Baron a Most Compleat Gentleman, and also one who never told an untruth to the injury of any man. This monument was erected by his Nephew, Matthew Bowles Alt, Lieutenant in his Majesty's Royal Navy, as a Tribute of Respect to the conduct of his respected uncle.”

|| Died at sea on the voyage from Batavia to England with Lieutenant King, in August, 1790.—*Hunter, Journal*, p. 444.

Assistant Commissary :—Zechariah Clarke.

1787

Provost-Martial (who acts as Sheriff of Cumberland County):—
Henry Brewer.*

Peace Officer :—James Smith.

NAVAL ESTABLISHMENT.

His Majesty's Ship Sirius† :—First Captain, Arthur Phillip ;
Second Captain, John Hunter.

Lieutenants :—William Bradley, Philip Gidley King,† George
William Maxwell.§

His Majesty's Armed Brig Supply|| :—Lieutenant Henry Lidg-
bird Ball, Commander.

MILITARY ESTABLISHMENT.

Four Companies of Marines.

Commandant :—Major Robert Ross.

Captains Commanding Companies :—James Campbell, John
Shea.¶

Captain Lieutenants :—James Meredith, Watkin Tench.**

First Lieutenants :—

George Johnston††	John Johnstone
John Creswell	James Maitland Shairp
Robert Kellow	Thomas Davey
James Furzer	Thomas Timins
John Poulden	

Second Lieutenants :—

Ralph Clarke	John Long
William Dawes‡‡	William Feddy.

Adjutant :—John Long.

Quarter-master :—James Furzer.

* Appointed by Phillip during the voyage out.

† Wrecked at Norfolk Island, 19 March, 1790.

‡ Appointed Commandant of Norfolk Island in February, 1788 ; discharged from the *Sirius* on the occasion of his being sent to England with despatches in April, 1790 ; appointed Lieutenant-Governor of Norfolk Island in February, 1790, and subsequently Governor of New South Wales.

§ Became insane.—Collins, pp. 99, 102.

¶ Condemned, August, 1797.

‡ Died in February, 1789.

** Returned to England in H.M.S. *Gorgon*, in December, 1791.

†† Appointed a Captain Lieutenant on the death of Captain Shea, and subsequently became Major of the New South Wales Corps. He placed Governor Bligh under arrest in 1808.

‡‡ Tench mentions that Lieutenant Dawes, who had returned to England in December, 1791, "had hardly set foot on his native country when he again quitted it to encounter new perils in the service of the Sierra Leone Company."—Complete Account, p. 201.

1788

Aide-de-Camp to the Governor :—George Johnston.
Officer of Engineers and Artillery :—William Dawes.

HOSPITAL ESTABLISHMENT.

Surgeon-General :—John White.*
First Assistant :—Dennis Considen.
Second Assistant :—Thomas Arndell.
Third Assistant :—William Balmain.

LA PÉROUSE AT BOTANY BAY.

Two
charges.Firing at
the natives.Tench's
statement ;

Collins's.

JUSTICE should be done to the memory of La Pérouse and his comrades with respect to certain matters in which they have been accused of serious wrongdoing towards the natives during their stay at Botany Bay. The French have been charged [Rusden, *History of Australia*, vol. i, p. 131] with having “wantonly fired upon” them, and also with having spread the small-pox among them—a disease which swept them off in great numbers. There does not seem to be any foundation, beyond mere conjecture, for either of these imputations. There is certainly no evidence that any natives were killed by the French. No statement of the kind can be found in any contemporary writer. Captain Tench, who had good opportunities for ascertaining the truth, referred to the matter in the following passage (*Narrative*, p. 99) :—

Like ourselves, the French found it necessary, more than once, to chastise a spirit of rapine and intrusion which prevailed among the Indians around the bay. The menace of pointing a musket to them was frequently used ; and in one or two instances it was fired off, though without being attended with fatal consequences. Indeed, the French Commandant, both from a regard to the orders of his Court, as well as to our quiet and security, showed a moderation and forbearance on this head highly becoming.

Collins (p. 17) mentions that “M. de la Pérouse had been compelled to fire upon the natives,” but he does not state that any of them were killed. And he adds :—

We were, however, perfectly convinced that nothing short of the greatest necessity could have induced M. de la Pérouse to take such a step, as we heard him declare that it was among the particular instructions that he had received from his Sovereign to

* Returned to England in December, 1794.

endeavour by every possible means to acquire and cultivate the friendship of the natives of such places as he might discover or visit, and to avoid exercising any act of hostility upon them. 1788

There is nothing here to justify the statement that the natives had been "wantonly fired upon," even if it might be inferred that some of them were killed. As to the small-pox, the evidence against the French has been collected by Rusden, vol. i, p. 134 n. It consists substantially of two assertions: (1) That "the early settlers, when able to converse with the natives, came to the conclusion that small-pox had been introduced by the French"; and (2) that "the natives (in the far interior) concurred in declaring that only at that epoch were its ravages heard of amongst the tribes, and none but the aged bore traces of it in 1835." The testimony of the early settlers and the natives, thus alleged, amounts to nothing more than tradition, and is not entitled to any weight unless it can be connected with ascertained facts. The facts here are altogether against the tradition. Among "the early settlers," the best witnesses are the men who made it their business to ascertain and record in their journals every fact of interest or importance that came within the range of their observation. Both Collins (p. 65, 597) and Hunter (p. 134) record the outbreak of the small-pox in April, 1789; but neither of them makes any reference to the French in connection with it. Had there been any reason to suppose that it had been introduced by them, it is not likely that either of those chroniclers would have omitted to say so. Their silence on that point may be easily accounted for. The simple fact that the disease did not make its appearance until April, 1789, more than twelve months after the French ships had sailed, is enough to show that there could not have been any reason for connecting the two things together. Had the germs of the disease been introduced by the French, it could not have failed to make itself known very soon after their departure; and if any of the Frenchmen had been suffering from it while in Botany Bay, the fact could not have escaped the notice of the English officers, who frequently exchanged visits with the strangers.

Spreading
small-pox.

Contem-
porary
witnesses.

No signs
of it for
twelve
months.

The only foundation for the supposition seems to lie in an allusion contained in one of Phillip's despatches, in which he said:—

"Whether the small-pox, which has proved fatal to great numbers of the natives, is a disorder to which they were subject before any Europeans visited the country, or whether it was

Phillip's
despatch.

1788-91 brought by the French ships, we have not yet attained sufficient knowledge of the [native] language to determine. It never appeared on board any of the ships on our passage."

If Phillip had been aware of any fact or circumstance pointing to a French origin of the disease, he would not have omitted to mention it; and it may be assumed that whatever was known on the subject at that time was known to him. How the French came to be mixed up in the matter at all may be seen in the following passage from Tench (Complete Account, page 18), where the idea appears in the shape of a query :—

Tench's
opinion.

No solution of this difficulty had been given when I left the country, in December, 1791. I can, therefore, only propose queries for the ingenuity of others to exercise itself upon. Is it a disease indigenous to the country? Did the French ships under Monsieur de Peyrouse introduce it? Let it be remembered that they now had been departed more than a year; and we had never heard of its existence on board them. Had it travelled across the continent from its western shore, where Dampier and other European voyagers had formerly landed? Was it introduced by Mr. Cook? Did we give it birth here? No person among us had been afflicted with the disorder since we had quitted the Cape of Good Hope, seventeen months before. It is true that our surgeons had brought out variolous matter in bottles; but to infer that it was produced from this cause were a supposition so wild as to be unworthy of consideration.

A native
disease.

The most probable of these suppositions is that it was "indigenous to the country"—or rather, that it was a disease which originated among the natives, as a natural result of their habits of life. Some confirmation of this theory may be found in the fact that it has been observed under circumstances which clearly repudiate a French origin. Major Mitchell, for instance, found it among the natives whom he met with after crossing the Liverpool Range in 1831 :—

Mitchell.

We reached, at length, a watercourse, called by the natives Currungai, and encamped upon its banks beside the tribe from Dartbrook, which had crossed the range before us, apparently to join some of their tribe who lay extremely ill at this place, being affected with a virulent kind of small-pox. We found the helpless creatures stretched on their backs beside the water, under the shade of the wattle or mimosa trees, to avoid the intense heat of the sun. We gave them from our stock some medicine; and the wretched sufferers seemed to place the utmost confidence in its efficacy.—Three Expeditions, p. 26.

There is some positive testimony, on the other hand, to show that the French had nothing to do with the matter. Lieutenant King referred to it in his Journal in these terms (Hunter, p. 406):—

This dreadful distemper, which, there is no doubt, is a distemper natural to the country, together with the difficulty of procuring a subsistence, renders the situation of these poor wretches truly miserable.

King's
opinion.

As King was in daily communication at that time—April, 1790—with Phillip and all the officers of the establishment, it is not conceivable that he could have been under any misapprehension on the matter. The opinion expressed by him was evidently the public opinion of the time.

General
opinion.

A PATHETIC LETTER.*

“SAMUEL PEYTON, convict, for having on the evening of the King's Birthday broke open an officer's marquee with an intent to commit robbery, of which he was fully convicted, had sentence of death passed on him at the same time as Corbet; and on the following day they were both executed, confessing the justness of their fate, and imploring the forgiveness of those whom they had injured. Peyton, at the time of his suffering, was but twenty years of age, the greatest part of which had been invariably passed in the commission of crimes that at length terminated in his ignominious end. The following letter, written by a fellow-convict to the sufferer's unhappy mother, I shall make no apology for presenting to the reader; it affords a melancholy proof that not the ignorant and untaught only have provoked the justice of their country to banish them to this remote region:—

A juvenile
offender.

Sydney Cove, Port Jackson,
New South Wales, 24 June, 1788.

My dear and honoured mother,

With a heart oppressed by the keenest sense of anguish, and too much agitated by the idea of my very melancholy condition to express my own sentiments, I have prevailed on the goodness of a commiserating friend to do me the last sad office of acquainting you with the dreadful fate that awaits me. My dear mother! with what agony of soul do I dedicate the last few moments of my life to bid you an eternal adieu: my doom being irrevocably fixed, and

Sunt
lachrymæ
rerum,

* Tench, Narrative, p. 112.

1788 ere this hour to-morrow I shall have quitted this vale of wretchedness to enter into an unknown and endless eternity. I will not distress your tender maternal feelings by any long comment on the cause of my present misfortune. Let it therefore suffice to say that, impelled by that strong propensity to evil, which neither the virtuous precepts nor example of the best of parents could eradicate, I have at length fallen an unhappy though just victim to my own follies.

et mentem
mortalia
tangunt.

Too late I regret my inattention to your admonitions, and feel myself sensibly affected by the remembrance of the many anxious moments you have passed on my account. For these and all my other transgressions, however great, I supplicate the Divine forgiveness; and encouraged by the promises of that Saviour who died for us all, I trust to receive that mercy in the world to come which my offences have deprived me of all hope or expectation of in this. The affliction which this will cost you I hope the Almighty will enable you to bear. Banish from your memory all my former indiscretions, and let the cheering hope of a happy meeting hereafter console you for my loss. Sincerely penitent for my sins; sensible of the justice of my conviction and sentence, and firmly relying on the merits of a blessed Redeemer, I am at perfect peace with all mankind, and trust I shall yet experience that peace which this world cannot give. Commend my soul to the Divine mercy. I bid you an eternal farewell.

Your unhappy, dying son,

To Mrs. Peyton, London.

SAMUEL PEYTON.

KING'S COMMISSION AS LIEUTENANT-GOVERNOR OF NORFOLK ISLAND.

GEORGE REX.

GEORGE THE THIRD, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c.

To our trusty and well-beloved Lieutenant PHILIP GIDLEY KING, greeting:

We, reposing special trust and confidence in your loyalty, courage, and experience, do by these presents constitute and appoint You to be Lieutenant-Governor of Norfolk Island in the Pacific Ocean.

Lieutenant-
Governor.

You are therefore, as Lieutenant-Governor, to take the said island into your care and charge and carefully and diligently to discharge the duty of Lieutenant-Governor thereof, by doing and performing all and all manner of things thereunto belonging: And we do hereby strictly charge and require all our officers and soldiers who shall hereafter be in our said island, and all others

whom it may concern, to obey you as our Lieutenant-Governor thereof; and You are to observe and follow such Orders and Instructions from time to time as you shall receive from US, our Governor of our Territory of New South Wales and the Islands adjacent, for the time being, or any other your Superior Officer, according to the Rules and Discipline of War, in Pursuance of the Trust we hereby repose in you. 1790
A military command.

Given at our Court at St. James', the twenty-eighth day of January, 1790, in the thirtieth year of our reign.

By his Majesty's command,

Lieutenant Philip Gidley King, W. W. GRENVILLE.
Lieutenant-Governor of Norfolk Island
in the Pacific Ocean.

PHILLIP'S INSTRUCTIONS TO KING.

Instructions for Philip Gidley King, Esq., Superintendant and Commandant of the Settlement of Norfolk Island.

WITH these instructions you will receive my Commission appointing you to superintend and command the settlement to be formed on Norfolk Island, and to obey all such orders as you shall from time to time receive from me, his Majesty's Governor-in-Chief and Captain-General of the Territory of New South Wales and its dependencies, or from the Lieutenant-Governor in my absence. Superintendant and Commandant.

You are therefore to proceed in his Majesty's armed tender Supply, whose commander has my orders to receive you, with the men and women, stores and provisions necessary for forming the intended settlement, and on your landing on Norfolk Island take upon you the execution of the trust reposed in you, causing my Commission appointing you Superintendant over the said settlement to be publicly read. Commission to be publicly read.

And after having taken the necessary measures for securing yourself and people, and for the preservation of the stores and provisions, you are immediately to proceed to the cultivation of the flax plant, which you will find growing spontaneously on the island, as likewise to the cultivation of cotton, corn, and other grains with the seeds of which you are furnished and which you are to regard as public stock, and of the increase of which you are to send me an account, that I may know what quantity may be drawn from the island for the public use, or what supplies may be necessary to send hereafter. It is left to your discretion to use such part of the corn that is raised, as may be found necessary; but this you are to do with the greatest economy. And as the corn, flax, cotton, and other grains are the property of the Crown and are as such Flax, cotton, and corn.

1788 to be accounted for, you are to keep an exact account of the increase, and you will in future receive directions for the disposal thereof.

Matters to be inquired into. You are to inform yourself of the nature of the soil, what proportion of land you find proper for the cultivation of corn, flax, and cotton, as likewise what quantity of cattle may be bred on the island, and the number of people you judge necessary for the above purposes. You will likewise observe what are the prevailing winds in the different seasons of the year, the best anchorage according to the season, the rise and fall of the tides, likewise when the dry and rainy seasons begin and end.

No boat-building. You will be furnished with a four-oared boat, and you are not on any consideration to build, or to permit the building of, any vessel or boat whatever that is decked, or of any boat or vessel that is not decked, whose length of keel exceeds twenty feet ; and if by any accident any vessel or boat be driven on the island, you are immediately to cause such boat or vessel to be scuttled, or otherwise rendered unserviceable, letting her remain in that state until you receive further directions from me.

Supplies. You will be furnished with provisions for six months, within which time you will receive an additional supply ; but as you will be able to procure fish and vegetables, you are to endeavour to make the provisions you receive serve as long as possible.

Convict labour, and conduct. The convicts being the servants of the Crown till the time for which they are sentenced is expired, their labour is for the public, and you are to take particular notice of their general good or bad behaviour, that they may hereafter be employed or rewarded according to their different merits.

Religion. You are to cause the prayers of the Church of England to be read with all due solemnity every Sunday, and you are to enforce a due observance of religion and good order, transmitting to me as often as opportunity offers a full account of your particular situation and transactions.

No intercourse with shipping. You are not to permit any intercourse or trade with any ships or vessels that may stop at the island, whether English or of any other nation, unless such ships or vessels are in distress, in which case you are to afford them such assistance as may be in your power.

Given under my hand at head-quarters in Port Jackson, New South Wales, this 12th day of February, 1788.

A. PHILLIP.

JUDGE-ADVOCATE COLLINS.

“COLONEL DAVID COLLINS was the eldest son of General Arthur Tooker Collins and Harriet Frazer, of Pack, in the King's County, Ireland, and grandson of Arthur Collins, author of the ‘Peerage

of England,' &c. He was born on the 3rd of March, 1756, and received a liberal education under the Rev. Mr. Marshall, master of the Grammar School at Exeter, where his father resided. In 1770 he was appointed lieutenant of marines; and in 1772 was with the late Admiral McBride when the unfortunate Matilda, Queen of Denmark, was rescued from the dangers that awaited her by the energy of the British Government, and conveyed to a place of safety in the King's (her brother's) Hanoverian dominions. On that occasion he commanded the guard that received her Majesty, and had the honor of kissing her hand. In 1775, he was at the battle of Bunker's Hill, in which the first battalion of marines to which he belonged so signally distinguished itself, having its commanding officer, the gallant Major Pitcairne, and a great many officers and men, killed in storming the redoubt, besides a very large proportion wounded. In 1777 he was adjutant of the Chatham division, and in 1784 captain of marines on board the *Courageux*, of seventy-four guns, commanded by the late Lord Mulgrave, and participated in the partial action that took place with the enemy's fleet when Lord Howe relieved Gibraltar. Reduced to half-pay at the Peace of 1782, he resided at Rochester, in Kent (having previously married an American lady, who survived him without issue); and on its being determined to found a colony by sending convicts to Botany Bay, he was appointed Judge-Advocate to the intended settlement, and in that capacity sailed with Governor Phillip in May, 1787 (who, moreover, appointed him his secretary); which situation he filled with the greatest credit to himself and advantage to the colony, until his return to England in 1797.

Lieutenant
of marines
at 14.

At Bunker's
Hill.

Captain.

Judge-
Advocate.

"The history of the settlement which he soon after published, followed by a second volume—a work abounding with information highly interesting, and written with the utmost simplicity—will be read and referred to as a book of authority as long as the colony exists whose name it bears. The appointment of Judge-Advocate, however, proved eventually injurious to his own interests. While absent he had been passed over, when it came to his turn to be put on full-pay; nor was he permitted to return to England to reclaim his rank in the corps; nor could he ever obtain any effectual redress, but was afterwards compelled to come in as a junior captain of the corps, though with his proper rank in the army. The difference this made in regard to his promotion was that he died a captain instead of a colonel commandant—his rank in the army being merely brevet. He had then the mortification of finding that, after ten years' distinguished service in the infancy of a colony, and to the sacrifice of every real comfort, his only reward had been the loss of many years' rank—a vital injury to an officer. A remark which his wounded feelings wrung from him, at the close of the second volume of his history of the settlement, appears to

Account of
the colony.

Professional
prospects.

Ten years'
loss of rank.

1756-1810 have awakened the sympathy of those in power; and he was, almost immediately after its publication, offered the government of the projected settlement in Van Diemen's Land, which he accepted, and sailed once more for that quarter of the globe, where he founded his new colony; struggled with great difficulties, which he overcame; and after remaining there eight years, was enjoying the flourishing state his exertions had produced, when he died suddenly after a few days' confinement from a slight cold, on the 24th March, 1810.

Lieutenant-Governor.

Character and popularity.

"His person was remarkably handsome and his manners extremely prepossessing; while to a cultivated understanding and an early fondness for the belles lettres, he joined the most social disposition. How he was esteemed by the inhabitants of the colony over which he presided, will appear by the following extract of a letter announcing his decease:—'By the death of Colonel Collins this colony has sustained a loss it will take a number of years to get over. I have known and served with him from the first establishment of the colony; and when I speak the feelings of my heart on this melancholy occasion, I am sure that it is not my single voice, but that of every department whatsoever in the settlement, who, with the most heartfelt regret, universally acknowledge him to have been the father and friend of all.'"

Holt's account.

The foregoing details appeared as a footnote in the *Memoirs of Joseph Holt*, edited by T. Crofton Croker, vol. ii, p. 252. Holt met Lieutenant-Governor Collins during his stay in Van Diemen's Land in the year 1805, and wrote of him as follows:—

Runaway convicts.

"This gentleman had the good will, the good wishes, and the good word of every one in the settlement. His conduct was exemplary, and his disposition most humane. His treatment of runaway convicts was conciliatory, and even kind. He would go into the forests, among the natives, to allow these poor creatures, the runaways, an opportunity of returning to their former condition; and, half dead with cold and hunger, they would come and drop on their knees before him, imploring pardon for their behaviour.

'Well,' he would say to them, 'now that you have lived in the bush, do you think the change you made was for the better? Are you sorry for what you have done?'

'Yes, sir.'

'And will you promise me never to go away again?'

'Never, sir.'

'Go to the storekeeper, then,' the benevolent Collins would say, 'and get a suit of slops and your week's rations, and then go to the overseer and attend to your work. I give you my pardon; but remember that I expect you will keep your promise to me.'

"I never heard of any other Governor or commandant acting in this manner, nor did I ever witness such leniency from any Governor. I have, however, been assured that there was less

crime and much fewer faults committed among the people under 1756-1810 Governor Collins than in any other settlement, which I think is a clear proof that mercy and humanity are the best policy.

"Colonel Collins died at the Derwent, sincerely lamented by ^{Finls.} every one there, as well as by all to whom this amiable and excellent gentleman was known, even by reputation."

LETTERS PATENT CONSTITUTING THE COURTS OF LAW.

2 April, 1787.

George the Third, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. To all to whom these presents shall come, greeting :—

WHEREAS by virtue of an Act of Parliament passed in the twenty-fourth year of our reign Wee have judged fit, by and with the advice of our Privy Council, by two several orders bearing date respectively on the sixth day of December one thousand seven hundred and eighty-six, to declare and appoint the place to which certain offenders should be transported for the time or terms in their several sentences mentioned to be the eastern coast of New South Wales, or some or other of the islands adjacent :

Orders-in-Council.

And whereas Wee find it necessary that a colony and civil government should be established in the place to which such convicts shall be transported, and that sufficient provision should be made for the recovery of debts and determining of private causes between party and party in the place aforesaid :

Colony and civil government.

Wee, taking the same into our Royal consideration, and being desirous that justice should be administered to all our subjects, have of our especial grace, certain knowledge, and meer motion thought fit to grant, ordain, direct, and appoint, and by these presents do for us, our heirs and successors, will, grant, ordain, direct, and appoint that there shall be within the place aforesaid a Court, to be called the COURT OF CIVIL JURISDICTION :

Civil Court.

And that such Court shall consist of the Judge-Advocate for the time being, together with two fit and proper persons inhabiting the said place, to be appointed from time to time by our Governor, or in case of the death or absence by our Lieutenant-Governor for the time being, or of any two of them (whereof the Judge-Advocate to be one), to which Court Wee do hereby give full power and authority to hold plea of and to hear and determine in a summary way all pleas concerning lands, houses, tenements, and hereditaments, and all manner of interests therein, and all pleas of debt, account, or other contracts, trespasses, and all manner of other personal pleas whatsoever :

Its constitution,

and jurisdiction.

1787

Probate and
administra-
tion.

And Wee do further will, ordain, and grant to the said Court full power and authority to grant probate of wills and administration of the personal estates of intestates dying within the place or settlement aforesaid :

Procedure.

And our further will and pleasure is, and Wee do by these presents for us our heirs and successors direct ordain and appoint that, upon complaint to be made in writing to the said Court by any person or persons against any other person or persons residing or being within the said place of any cause or suit, the said Court shall or may issue a warrant in writing under the hand and seal of the said Judge-Advocate for the time being, to be directed to the Provost-Marshall, or such other officer as shall be appointed by our Governor to execute the process thereof, which warrant shall contain shortly the substance of the complaint, and shall either command such officer to summon the defendant or defendants to appear :

Summons to
appear.Ball for
appearance.

Or in case the value of the demand be ten pounds or upwards (of which oath shall first be made), command him to bring his, her, or their body or bodies, or take bail for his or their appearance before the said Court at a certain time or place therein to be named, to answer to the said complaint and to find sufficient security for his, her, or their performance of such judgment, sentence, or decree as shall be pronounced thereupon or finally given upon an appeal :

Proceedings
in Court.

And upon appearance, arrest, or non-appearance, or return by the officer that the defendant or defendants cannot be found, Wee do hereby, for us, our heirs and successors, ordain, direct, and authorize the said Court to proceed to the examination of the matter and cause of such complaint, and upon due proof made thereof, either upon the oath or oaths of any witness or witnesses in writing, to be by him, her, or them subscribed (for which purpose Wee do by these presents empower and require the said Court to administer an oath to such witnesses as shall be produced by either party, plaintiff or defendant), or by the voluntary confession of such defendant or defendants, to give judgment and sentence according to justice and right :

Judgment.

Execution.

And to award and issue out a warrant or warrants of execution under the hand and seal of the said Judge-Advocate for the time being, for levying the duty adjudged or decreed to the party or parties complainant, together with costs of suit, upon the goods and chattels of such defendant or defendants, and to cause sale to be made of the said goods and chattels, rendering to the party the overplus, if any be :

Imprison-
ment in
default.

And for want of sufficient distress, Wee do hereby for us our heirs and successors give full power and authority to the said Court to imprison the defendant or defendants until satisfaction be made by him, her, or them, to the plaintiff or plaintiffs of the duty decreed, together with the costs ; and in case judgment shall

be given for the defendant or defendants, Wee do hereby likewise give full power and authority to the said Court to award costs to such defendant or defendants, and to issue like process of execution for the same as in cases where costs are awarded to any plaintiff or plaintiffs : 1787
Costs to
defendant.

And if either party shall find him or themselves aggrieved by any judgment or decree to be given or pronounced by the said Court, our will and pleasure is that he, she, or they shall and may appeal to the Governor of the eastern coast of New South Wales and the parts adjacent, or in case of his death or absence to the Lieutenant-Governor for the time being, whom Wee do hereby empower and authorize to hear and determine the same, and to issue process of summons to answer to such appeal and the like process of execution as the said Court is hereby directed and empowered to issue : Appeal
to the
Governor,

And if either party shall find him, her, or themselves aggrieved by the judgment or determination of the said Governor in any case where the debt or thing in demand shall exceed the value of £300, and not otherwise, our will and pleasure is that such party so aggrieved may appeal to us or our heirs and successors in Council. and Privy
Council.

And Wee do further will and ordain that no appeal shall be admitted from the judgment of the said Court, unless the same shall be interposed within eight days after the said judgment, nor from the judgment of the Superior Court unless the same shall be interposed within fourteen days after the judgment of such Superior Court ; And further, that the said Court may proceed in a summary way by foreign attachment of goods debts and effects of debtors in the hand or possession of other persons residing in the place aforesaid : Time for
appeal.

Attachment.

And Wee further will and ordain that all complainants at whose suits any persons shall be imprisoned shall make an allowance to each of such defendants after such rate for every day so long as such defendants shall be kept in prison as the said Court shall direct, and in default of payment thereof for one week such person shall be discharged out of prison, and such discharge out of prison shall be a discharge of the debt, unless the complainant shall before any new proceeding against such defendants pay or tender to them all the arrears of such allowance from the time of the last payment to the time of such new proceeding. Maintenance
of debtor
in prison,

Provided always that such defendant do make oath before the Judge-Advocate, to his satisfaction, that he hath not any estate or effects sufficient to maintain himself with necessaries in the prison, otherwise that such allowance be not made to him. if unable to
maintain
himself.

And whereas it is necessary that a COURT OF CRIMINAL JURISDICTION should also be established within the colony or settlement Criminal
Court.

1787 aforesaid, with authority to proceed in a more summary way than is used within this realm according to the known and established laws thereof :

Act of
Parliament
recited :—

Governor
authorised
to convene
Court.

Its constitu-
tion and
procedure.

Sentence of
death or
corporal
punishment.

Provost-
Marshal.

In capital
cases, five
must
concur.

Court
created
accordingly.

And whereas, by an Act of Parliament passed in this present year of our reign, it is enacted that his Majesty may, by his Commission under the Great Seal, authorize the person to be appointed Governor, or the Lieutenant-Governor in the absence of the Governor of such place as aforesaid, to convene from time to time, as occasion may require, a Court of Judicature for the trial and punishment of all such outrages and misbehaviours as if committed within this realm would be deemed and taken according to the laws of this realm to be treason or misprision thereof, felony, or misdemeanour :

Which Court shall consist of the Judge-Advocate to be appointed in and for such place, together with six officers of his Majesty's forces by sea or land, which Court shall proceed to try such offenders by calling such offenders respectively before that Court by the Judge-Advocate, and by examining witnesses upon oath to be administered by such Court, as well for as against such offenders respectively, and afterwards adjudging by the opinion of the major part of the persons composing such Court that the party accused is or is not (as the case shall appear to them) guilty of the charge, and by pronouncing judgment (as upon a conviction by verdict) of *death*, if the offence be capital, or of such *corporal punishment*, not extending to capital punishment, as to the said Court shall seem meet, and in cases not capital by pronouncing judgment of such corporal punishment, not extending to life or limb, as to the said Court shall seem meet :

And that the Provost-Marshal, or other officer to be for that purpose appointed by such Governor or Lieutenant-Governor, shall cause due execution of such judgement to be had and made under and according to the warrant of such Governor or Lieutenant-Governor, in the absence of the Governor, under his hand and seal, and not otherwise :

Provided always that execution shall not be had or done on any capital convict or convicts unless five persons present in such Court shall concur in adjudging him, her, or them, so accused and tried as aforesaid, to be respectively guilty until the proceedings shall have been transmitted to his Majesty and by him approved : And that the said Court shall be a Court of Record, and shall have all such powers as by the laws of England are incident and belonging to a Court of Record :

Now know ye that Wee, upon full consideration of the premises and of our especial grace, certain knowledge, and mere motion, have thought fit to grant, direct, and appoint, and by these presents Wee do accordingly, for us, our heirs and successors, grant, direct, ordain, and appoint that there shall be within the settlement and colony aforesaid a Court which shall be called the Court of Criminal

Jurisdiction ; and Wee do hereby create, direct, and constitute the said Court of Criminal Jurisdiction to be a Court of Record, and that our said Court of Criminal Jurisdiction shall have all such powers as are incident to a Court of Record by the laws of that part of our Kingdom of Great Britain called England : 1787

And Wee further will, ordain, and appoint that the said Court of Criminal Jurisdiction shall consist of our Judge-Advocate for the time being, together with six officers of our sea and land service, as our Governor, or in case of his death or absence our Lieutenant-Governor, shall, by precept issued under his hand and seal, convene from time to time for that purpose, and that the said Court of Criminal Jurisdiction shall have power to enquire of, hear, determine, and punish all treasons or misprisions thereof, murders, felonies, forgeries, perjuries, trespasses, and other crimes whatsoever committed in the place or places aforesaid, such punishment so to be inflicted being according to the laws of that part of our Kingdom of Great Britain called England, as nearly as may be, considering and allowing for the circumstances and situation of the place and settlement aforesaid and the inhabitants. Its constitution
and jurisdiction.

And it is our further will and pleasure that our said Court of Criminal Jurisdiction shall proceed to try all offenders by calling them respectively before such Court, and causing the charge or charges against him, her, or them, respectively, when reduced into writing and exhibited by our Judge-Advocate, to be read over to such offender or offenders respectively, and that the said Court shall adjudge by the opinion of the major part of the persons composing the same as aforesaid that the party accused is guilty or not guilty of the charge so exhibited as aforesaid : Conduct of trials

And, if adjudged guilty, that the Court shall proceed to pronounce judgment of death, if the offence be capital, in like manner as if the prisoner had been found guilty by verdict of a jury in that part of our Kingdom of Great Britain called England, or by pronouncing judgment of such corporal punishment, not extending to capital punishment, as to the said Court, or the major part of the persons comprising the same, shall seem meet ; and in cases not capital by the laws aforesaid by pronouncing judgment of such corporal punishment, not extending to life or limb, as the said Court, or the major part of the persons composing the same, shall seem meet. Sentence of death,
or corporal punishment.

And it is our further will and pleasure and Wee do hereby ordain, direct, and appoint, that our Provost-Marshall, or such other officer as shall be appointed for that purpose by our Governor, or in case of his death or absence by our Lieutenant-Governor for the time being, shall cause due execution to be had and made of such judgments as aforesaid, according to the warrant of our Governor, or in his absence of our Lieutenant-Governor for the time being, under their hands and seals respectively, and not otherwise. Provost-Marshall.

1787

In capital
cases, five
must
concur.

And Wee do hereby ordain and direct that execution of any judgment of death shall not be had or done on any offender or offenders unless five persons present sitting in judgment in our said Court of Criminal Jurisdiction shall concur in adjudging such offender or offenders so accused and tried as aforesaid to be respectively guilty, until the proceedings in the trial of such offender or offenders shall have been transmitted to us, our heirs and successors, and our or their pleasure shall have been signified thereupon :

Warrant for
execution.

And that execution be not done in any capital case whatever without the consent of our said Governor, or in case of his death or absence, of our Lieutenant-Governor; and in case execution shall be suspended, that the said Governor or Lieutenant-Governor shall apply to us, our heirs and successors, for our or their direction therein.

Members of
the Court to
be sworn

And our further will and pleasure is that all and every the members of our said Court of Civil Jurisdiction respectively shall, before they proceed to sit in judgment, severally make oath well and truly to try the several issues brought before them, and to give true judgment according to the evidence; and that all and every the members of our said Court of Criminal Jurisdiction shall, in like manner, make oath to make true deliverance between us, our heirs and successors, and the several prisoners who shall by them be tried, and to give a true judgment according to the evidence.

by the
Judge-
Advocate.

And Wee do hereby give full power and authority to our Judge-Advocate for the time being to administer such oaths to the respective members of our said several Courts.

Justices of
the Peace

And further know ye that Wee, for preserving the peace of our said settlement and the islands thereunto adjacent, of our especial grace certain knowledge and meer motion have granted ordained directed and appointed, and by these presents do grant ordain direct and appoint, that our present and all our future Governors and Lieutenant-Governors, and our Judge-Advocate for the time being, shall be Justices of the Peace within the said place or settlement :

to have the
same powers
as in
England.

And that all and every such Justice and Justices of the Peace shall have the same power to keep the peace, arrest, take bail, bind to good behaviour, suppress and punish riots, and to do all other matters and things with respect to the inhabitants residing or being in the place and settlement aforesaid as Justices of the Peace have within that part of Great Britain called England, within their respective jurisdictions.

Authority
of Letters
Patent.

And these our Letters Patent or the enrollment or exemplification thereof shall be, as well unto the said Courts respectively as unto all and every person or persons whomsoever, a sufficient warrant and discharge from time to time for all and whatever they shall do or execute in pursuance of our Royal will and pleasure hereinbefore declared.

And, lastly, our will and pleasure is, and Wee do hereby declare, 1787
 that this our charter shall be and remain in force only until Wee To remain in force until revoked.
 shall be pleased to revoke and determine the same.

In witness whereof Wee have caused these our Letters to be made Patent.

Witness ourself, at Westminster, the second day of April in the twenty-seventh year of our reign.

By Writ of Privy Seal.

YORKE.

LETTERS PATENT CONSTITUTING THE VICE-ADMIRALTY COURT.

GEORGE THE THIRD by the grace of God of Great Britain France and Ireland King Defender of the Faith To our trusty and well-beloved Arthur Phillip Esquire our Captain-General and Governor-in-Chief of the territory called New South Wales extending from the Northern Cape or extremity of the coast called Cape York in the latitude of ten degrees thirty-seven minutes south and thirty-fifth degree of east longitude reckoning from the meridian of Greenwich including all the islands adjacent in the Pacific Ocean within the latitude aforesaid of 10° 37' south and 43° 39' south and our Captain-General and Governor-in-Chief of the said territory called New South Wales for the time being, Commission to form a Vice-Admiralty Court.

Robert Ross Esquire, Lieutenant-Governor of the said territory called New South Wales and the Lieutenant-Governor of the said territory for the time being,

Andrew Millar Esquire, Commissary of Stores and Provisions in the said territory called New South Wales, and the Commissary of Stores in the said territory for the time being,

Augustus Alt Esquire, Surveyor of Lands in the said territory called New South Wales, and the Surveyor of Lands in the said territory for the time being,

John Hunter Esquire, second Captain of our ship Sirius, William Bradley Esquire, first Lieutenant, Philip Gidley King Esquire, second Lieutenant, and George William Maxwell, third Lieutenant of the said ship Sirius, Henry Lidgbird Ball Esquire, Lieutenant and Commander of the Supply, armed tender, and all other Captains and Commanders of our ships who are or shall be within the Admiralty jurisdiction of the said territory called New South Wales,

Greeting :

Whereas by an Act of Parliament made in the eleventh and twelfth year of the reign of our late Royal Predecessor King William the Third intituled an Act for the more effectual suppressing of Piracy (reciting as therein recited) it is amongst other things enacted that all piracies, felonies or robberies committed Act of Parliament recited, 11 and 12 Wm. III, c. 7.

<p>1787</p> <p>Offences committed at sea may be tried by Commissioners.</p>	<p>in or upon the sea or in any haven, river, creek or place where the Admiral or Admirals have power authority or jurisdiction may be examined, enquired of, tryed, heard, and determined and adjudged according to the directions of the said Act in any place at sea or upon the land in any of his said late Majesty's islands, plantations, colonies, dominions, forts or factories to be appointed for that purpose by his said late Majesty's Commission or Commissions under the Great Seal of England, or the seal of the Admiralty of England, directed to all or any of the Admirals, Vice-Admirals, Rear-Admirals, Judges of Vice-Admiralties or Commanders of his said late Majesty's ships-of-war, and also to all or any such person or persons officer or officers by name or for the time being as his said late Majesty should think fit to appoint :</p>
<p>Power to commit on information,</p> <p>and to assemble a Court consisting of seven members,</p>	<p>Which said Commissioners should have full power jointly or severally by warrant under the hand or seal of them or any one of them to commit to safe custody any person or persons against whole information of piracy, robbery or felony upon the sea should be given upon oath and to call and to assemble a Court of Admiralty on ship-board or upon the land when and as often as occasion should require, which Court should consist of seven persons at the least :</p>
<p>or three, who should have power to summon four more.</p>	<p>And it is thereby further enacted that if so many of the persons aforesaid could not conveniently be assembled, any three of the aforesaid persons, whereof the president or chief of some English factory or the Governor, Lieutenant-Governor or member of his said late Majesty's Council in any of the plantations or colonies aforesaid or Commander of one of his late Majesty's ships was always to be one (should be one), should have full power and authority by virtue of the said Act to call and assemble any other persons on ship-board or upon the land to make up the number of seven :</p>
<p>Qualifications.</p>	<p>And it is thereby also provided that no persons but such as were known merchants, factors or planters or such as were captains lieutenants or warrant officers in any of his late Majesty's ships-of-war or captains, masters or mates of some English ship should be capable of being so called and sitting and voting in the said Court :</p>
<p>Power to issue warrants of arrest, to summon witnesses, to take evidence, and to pronounce sentence.</p>	<p>And it is thereby further enacted that such persons, called and assembled as aforesaid, should have full power and authority according to the course of the Admiralty to issue warrants for bringing up any persons accused of piracy or robbery before them to be tryed heard and adjudged, and to summon witnesses and take informations and examinations of witnesses upon their oath, and to do all things necessary for the hearing and final determination of any case of piracy robbery and felony, and to give sentence and judgement of death, and to award execution of the offenders convicted and attainted as aforesaid according to the civil law and the methods and rules of the Admiralty, and that all and every person and persons so convicted and attainted of piracy and robbery should have and suffer such losses of lands, goods, and chattels</p>

as if they had been attainted and convicted of any piracies, felonies, and robberies according to a statute made in the twenty-eighth year of the reign of King Henry the Eighth for tryals of treasons, felonies, robberies, murders and confederacies committed upon the sea :

1787

28 Hen. VIII, c. 15.

Which said first-recited Act by another Act made in the fifth year of the reign of our late Royal Predecessor Queen Anne, was continued from the expiration thereof for the further term of seven years and from then to the end of the then next session of Parliament which by another Act made in the first year of the reign of our late Royal Ancestor King George the First was revived from the thirty-ninth day of September 1715 and was to be in force during the continuance of that Act which was to continue for five years and from then to the end of the next session of Parliament and which by an Act made in the sixth year of the reign of our said late Royal Ancestor King George the First was made perpetual :

11 and 12 Wm. IV, c. 7, made perpetual.

And whereas by one other Act of Parliament made in the eighth year of the reign of our said late Royal Ancestor King George the First entituled an Act for the more effectual suppressing of Piracy (reciting as therein is recited) It is amongst other things thereby enacted that all and every person and persons therein and thereby declared to be guilty of or accessory or accessories to any piracy felony or robbery shall and may be enquired of, heard, determined and adjudged of and for all or any the matters contained in the said last-recited Act according to the said statute made in the eleventh and twelfth years of his late Majesty King William the Third and that all and every person being thereupon attainted and convicted should have and suffer such pain of death and loss of lands goods and chattels as pirates and robbers ought by the said Act of the eleventh and twelfth years of his late Majesty King William the Third to suffer :

8 Geo. I, c. 24.

Procedure.

Punishment on conviction.

Now know ye that in pursuance of the said recited Act of the eleventh and twelfth year of the reign of his said late Majesty King William the Third and of the eighth year of our said late Royal Ancestor King George the First, of our special grace certain knowledge and meer motion have made constituted and appointed and by these presents do hereby constitute and appoint you the said Arthur Phillip Esquire, and our Captain-General and Governor-in-Chief of the said territory called New South Wales for the time being,

Commissioners appointed.

Robert Ross Esquire, and our Lieutenant-Governor of the said territory called New South Wales for the time being,

Andrew Millar Esquire, and the Commissary of Stores and Provisions of the said territory called New South Wales for the time being,

Augustus Alt Esquire and the Surveyor of Lands in the said territory called New South Wales for the time being,

1787

John Hunter, William Bradley, Philip Gidley King, George William Maxwell and Henry Lidgbird Ball Esquire and the Captain and Commander of our ships who are or shall be within the Admiralty jurisdiction of the said territory called New South Wales

Jurisdiction
of the Court.

To be our Commissioners at the said territory called New South Wales for the examining, enquiring of, trying, hearing, and determining and adjudging according to the directions of the same Acts in any place at sea or upon the land at the said territory called New South Wales, all piracies, felonies and robberies and all accessories thereunto committed or which shall be committed in or upon the sea or within any haven, river, creek or place where the Admiral or Admirals have power authority or jurisdiction :

Commis-
sioners.

And you the said Arthur Phillip Esquire and our Captain-General and Governor-in-Chief of the said territory called New South Wales for the time being :

Robert Ross Esquire and our Lieutenant-Governor of the said territory called New South Wales, for the time being,

Andrew Millar Esquire and the Commissary of Stores and Provisions of the said territory called New South Wales for the time being,

Augustus Alt Esquire and the Surveyor of Lands in the said territory called New South Wales for the time being,

John Hunter, William Bradley, Philip Gidley King, George William Maxwell and Henry Lidgbird Ball Esquire and the Captains and Commanders of our ships who are or shall be within the Admiralty jurisdiction of the said territory called New South Wales

empowered
to commit
on informa-
tion,

Our Commissioners at the said territory called New South Wales for the purposes hereinbefore mentioned We do make, ordain and constitute by these presents, hereby giving and granting unto you our said Commissioners jointly or severally by warrant under the hand and seal of you or any one of you full power and authority to commit to safe custody any person or persons against whom information of piracy, robbery or felony upon the sea as accessory or accessories thereto shall be given upon oath (which oath you or any one of you shall have full power and are hereby authorised to administer) :

and to
assemble
a Court.

And to call and assemble a Court of Admiralty on shipboard or upon the land when and as often as occasion shall require, which Court our will and pleasure is shall consist of seven persons at the least and if so many of you our said Commissioners cannot conveniently be assembled any three or more of you whereof you the said Arthur Phillip Esquire, our Captain-General and Governor-in-Chief of the said territory called New South Wales, or the Captain-General and Governor-in-Chief of the said territory for the time being,

Commis-
sioners

Or you the said Robert Ross Esquire, Lieutenant-Governor of the said territory called New South Wales, or the Lieutenant-Governor of the said territory, for the time being,

Or you the said Andrew Millar Esquire, Commissary of Stores and Provisions in the said territory called New South Wales, or the Commissary of Stores and Provisions for the time being, 1787

Or you the said Augustus Alt Esquire, Surveyor of Lands in the said territory called New South Wales, or the Surveyor of Lands in the said territory for the time being,

Or you the said John Hunter Esquire, second Captain of our ship Sirius, William Bradley Esquire, first Lieutenant, Philip Gidley King Esquire, second Lieutenant, and George William Maxwell Esquire, third Lieutenant, of the said ship Sirius, or you the said Henry Lidgbird Ball Esquire, Lieutenant and Commander of the Supply, armed tender, or a commander of one of our ships (as the place of tryall shall appear) to be always one,

Shall have full power and authority by virtue of the said recited Acts and these presents to call and assemble any other persons on shipboard or upon the land to make up the number of seven. empowered to form a Court.

Provided that no persons but such as are known merchants, factors, or planters or such as are captains, lieutenants or warrant officers in any of our ships-of-war or captains masters or mates of some English ship shall be capable of being so called sitting and acting in the said Court. Qualifications.

And our further pleasure is, and We do hereby expressly declare and command, that such persons called and such other persons hereby authorised and assembled as aforesaid, shall have full power and authority according to the course of Admiralty to issue warrants for bringing any persons accused of such piracy, robbery, or felony or as accessory thereto, and to give sentence and judgment of death and to award execution of the offenders convicted and attainted as aforesaid according to the civil law and the methods and rules of the Admiralty: Powers of Commissioners.

And that all and every person and persons so convicted and attainted of piracy, robbery, or felony or as accessory thereto, shall have and suffer such losses of lands goods and chattels as if they had been attainted and convicted of any piracies, felonies, and robberies according to the aforementioned statute made in the reign of King Henry the Eighth. Effect of sentences.

And our express will and pleasure is, and We do hereby direct and command that so soon as any Court shall be assembled as aforesaid, either on shipboard or upon the land, this our Commission shall first be openly read and the said Court then and there shall be solemnly and publicly called and proclaimed, and then the President of such Court shall in the first place publicly in open Court take the oath mentioned and appointed to be taken by the said recited Act of the eleventh and twelfth years of the reign of his said late Majesty King William the Third, and such President having taken the oath in manner aforesaid shall immediately Commission to be read in open Court. Procedure thereupon.

1787 administer the same to every person who shall sit and have a vote in the said Court upon the tryal of such prisoner or prisoners as aforesaid.

Court to be guided by statutes and commission. And lastly We do hereby direct empower and require you our said Commissioners to proceed act adjudge and determine in all things according to the powers authorities and directions of the above-recited Acts and of these presents.

Authority to act. And these presents or the entry or registering thereof in our High Court of Admiralty shall be unto you and each and every one of you for so doing a sufficient warrant and discharge.

In witness whereof we have caused the Great Seal of our High Court of Admiralty of England to be hereunto affixed.

Given at London the fifth day of May in the year of our Lord one thousand seven hundred and eighty-seven and of our reign the twenty-seventh.

GODF. LEE FARRANT,
Registrar.

LETTERS PATENT EMPOWERING GOVERNOR PHILLIP TO REMIT SENTENCES.

8 November, 1791.

GEORGE THE THIRD by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth. To our trusty and well-beloved Arthur Phillip Esquire our Captain-General and Governor-in-Chief in and over our territory called New South Wales and to our Lieutenant-Governor of our said territory for the time being, greeting :

Orders-in-Council. Whereas several orders have been made by us by and with the advice of our Privy Council in pursuance of authority given to us in that behalf by an Act of Parliament passed in the twenty-fourth year of our reign intituled An Act for the effectual transportation of felons and other offenders and to authorise the removal of prisoners in certain cases and for other purposes therein mentioned declaring and appointing by and with the advice aforesaid that the eastern coast of New South Wales and the islands thereunto adjacent should be the place or places beyond sea to which certain felons and other offenders should be conveyed and transported :

Felons transported accordingly. And whereas several felons and other offenders have in pursuance of the said Act been conveyed and transported to the eastern coast of New South Wales or the islands thereunto adjacent there to remain during the terms or times for which they were respectively sentenced to be transported by Courts in which they were severally convicted :

And whereas We by and with the advice of our Privy Council may hereafter declare and appoint the place or places aforesaid

to be the place or places to which other felons and offenders shall hereafter be conveyed and transported and such felons and offenders may be so transported accordingly : 1791

And whereas by an Act passed in the last session of Parliament intituled An Act to enable his Majesty to authorise his Governor or Lieutenant-Governor of such places beyond the seas to which felons or other offenders may be transported to remit the sentences of such offenders It is enacted that it shall and may be lawful for us our heirs and successors at all times by our or their Commission under the Great Seal of Great Britain to authorise and empower the Governor or the Lieutenant-Governor for the time being of that part or parts to which felons and other offenders had been or should hereafter be transported and conveyed by an instrument in writing under the seal of the Government in which the place or places aforesaid should be situated to remit either absolutely or conditionally the whole or any part of the time or term for which any such felons or other offenders aforesaid had been or should hereafter be respectively conveyed and transported to such place or places as aforesaid such instrument or instruments as aforesaid having the like force and effect to all intents and purposes as if We our heirs and successors had in such cases respectively signified our or their royal intention of mercy under our or their sign manual :

And it is further enacted that such Governor or Lieutenant-Governor as aforesaid shall by the first opportunity transmit to one of our Principal Secretaries of State a duplicate under the seal of the Government of [so in original] oath and every instrument as aforesaid by which the time or term of transportation of any such felons or other offenders as aforesaid hath been remitted or shortened and that the names of such felons or other offenders respectively which shall be contained in such duplicates as aforesaid shall be inserted in the next general pardon which shall pass under the Great Seal of Great Britain after the receipt of such duplicate or duplicates by one of our Principal Secretaries of State :

And whereas it would greatly advance the design of such sentences so carried into execution as aforesaid or which may hereafter be passed and carried into execution by transporting felons and other offenders to the eastern coast of New South Wales or the islands thereunto adjacent that the Governor or (in case of his death or absence) the Lieutenant-Governor for the time being of our territory of the eastern coast of New South Wales and the islands thereunto adjacent should have power and authority to remit or shorten the time or term for which such felons and offenders as aforesaid have been or shall hereafter be transported in cases where it shall appear that such felons or other offenders are proper objects of the royal mercy :

Act of
Parliament
authorising
remission
of sentences.

Governor
empowered
to remit.

Governor to
transmit
duplicate
of the
instrument
remitting
sentence.

Expedient
to remit
sentences.

1791

Power to
remit the
whole or
part of
sentence.

Now know you that We being desirous to carry into effect the purposes of the said Act have thought fit to give and grant and do by these presents give and grant full power and authority to you Arthur Phillip our said Governor or to our Governor for the time being or (in case of your death or absence or that of our Governor for the time being) to our Lieutenant-Governor of our said territory of New South Wales and the islands adjacent for the time being by an instrument or instruments in writing under the seal of the Government of our said territory and as you or they respectively shall think fit or convenient for our service to remit either absolutely or conditionally the whole or any part of the time or term for which any such felons or other offenders aforesaid shall have been or shall hereafter be respectively conveyed and transported to the eastern coast of New South Wales or the islands thereunto adjacent.

Effect of
remission.

And our will and pleasure is that all and every such instrument or instruments by you to be granted pursuant to the power and authority to you given by these presents shall have the like force and effect to all intents and purposes as if Wee our heirs and successors had in such cases respectively signified our or their Royal intention of mercy under our or their Sign Manual :

Duplicate
to be trans-
mitted.

And our further will and pleasure is that you the said Arthur Phillip or our Governor or Lieutenant-Governor for the time being respectively shall by the first opportunity transmit to one of the Principal Secretaries of State of us our heirs and successors a duplicate under the seal of the Government aforesaid of each and every instrument as aforesaid by which the time or term of transportation of any such felons or other offenders as aforesaid hath been remitted or shortened to the end that the names of such felons and other offenders respectively which shall be contained in such duplicates as aforesaid may be inserted in the next general pardon which shall pass under the Great Seal of Great Britain after the receipt of such duplicate or duplicates by one of the Principal Secretaries of State aforesaid.

Authority
to act.

And these our Letters Patent or the enrollment or exemplification thereof shall be as well unto the said Arthur Phillip or our Governor or Lieutenant-Governor for the time being respectively as unto all and every other person or persons whomsoever a sufficient warrant and discharge from time to time for all and whatever they shall do and execute in pursuance of our royal will and pleasure.

Com-
mission to
remain in
force until
revoked.

And lastly, our will and pleasure is and Wee do hereby declare that this our Commission shall be and remain in force only and until Wee shall be pleased to revoke and determine the same.

In witness whereof Wee have caused these our letters to be made patent.

Witness ourselves at Westminster the eighth day of November
in the thirty-first year of our reign.

By Writ of Privy Seal.

YORKE.

CRIME AND PUNISHMENT IN THE EIGHTEENTH
CENTURY.*

I. Crimes punishable by deprivation of life ; and where, upon the conviction of the offenders, the sentence of death must be pronounced by the Judge. Of these, it has been stated, on the authority of Sir William Blackstone, that the whole number, including all the various shades of the same offence, is about one hundred and sixty. The principal are the following :—

1787

Treason and petty treason. Under the former of these is included the offence of counterfeiting the gold and silver coin.

Murder.

Arson, or wilfully and maliciously burning a house, barns with corn, &c.

Rape, or forcible violation of chastity.

Stealing an heiress.

Sodomy, a crime against nature, committed either with man or beast.

Piracy, or robbing ships and vessels at sea ; under which is included the offences of sailors forcibly hindering their captains from fighting.

Forgery of deeds, bonds, bills, notes, public securities, &c.

Clerks of the bank embezzling notes, altering dividend warrants ; papermakers, unauthorised, using moulds for notes, &c.

Destroying ships or setting them on fire.

Bankrupts not surrendering or concealing their effects.

Burglary, or house-breaking in the night-time.

Highway robbery.

House-breaking in the day-time.

Privately stealing, or picking pockets above one shilling.

Shop-lifting above five shillings.

Stealing bonds, bills, or bank notes.

Stealing bank notes or bills from letters.

Stealing above forty shillings in any house.

Stealing above forty shillings on a river.

Stealing linen, &c., from bleaching-grounds, &c., or destroying linen therein.

Maiming or killing cattle maliciously.

Stealing horses, cattle, or sheep.

Shooting at a revenue officer, or at any other person.

Pulling down houses, churches, &c.

Breaking down the head of a fish-pond, whereby fish may be lost.

Cutting down trees in an avenue, garden, &c.

* Colquhoun, *Police of the Metropolis*, p. 437.

1787

Cutting down river or sea banks.

Cutting hop-binds.

Setting fire to coal-mines.

Taking a reward for helping another to stolen goods, in certain goods.

Returning from transportation, or being at large in the kingdom after sentence.

Stabbing a person unarmed, or not having a weapon drawn, if he die in six months.

Concealing the death of a bastard child.

Maliciously maiming or disfiguring any person, lying in wait for the purpose.

Sending threatening letters.

Riots by twelve or more, and not dispersing in an hour after proclamation.

Being accessories to felonies deemed capital.

Stealing woollen cloths from tenter grounds.

Stealing from a ship in distress.

Government stores, embezzling, burning, or destroying in dock-yards, in certain cases.

Challenging jurors above twenty in capital felonies, or standing mute.

Cottons, selling with forged stamps.

Deer-stealing, second offence ; or even first offence, under Black Act, not usually enforced.

Uttering counterfeit money, third offence.

Prisoners under Insolvent Acts guilty of perjury.

Destroying silk or velvet in the loom, or the tools for manufacturing thereof ; or destroying woollen goods, racks, or tools, or entering a house for that purpose.

Servants purloining their master's goods, value forty shillings.

Personating bail ; or acknowledging fines or judgments in another's name.

Escape by breaking prison in certain cases.

Attempting to kill Privy Counsellors, &c.

Sacrilege.

Smuggling by persons armed, or assembling armed for that purpose.

Robbery of the mail.

Destroying turnpikes or bridges, gates, weighing engines, locks, sluices, engines for draining marshes, &c.

Mutiny, desertion, &c., by the Martial and statute Law.

Soldiers or sailors enlisting into foreign service.

II. Crimes, denominated single felonies, punishable by transportation, whipping, imprisonment, the pillory, and hard labour in houses of correction, according to the nature of the offence. The principal of which are the following :—

1787

Grand larceny, which comprehends every species of theft above the value of one shilling, not otherwise distinguished.

Receiving or buying stolen goods, jewels, and plate.

Ripping and stealing lead, iron, copper, &c., or buying or receiving.

Stealing (or receiving when stolen) ore from blacklead mines.

Stealing from furnished lodgings.

Setting fire to underwood.

Stealing letters, or destroying a letter or packet, advancing the postage, and secreting the money.

Embezzling naval stores, in certain cases.

Petty larcenies or thefts under one shilling.

Assaulting with an intent to rob.

Aliens returning after being ordered out of the kingdom.

Stealing fish from a pond or river, fishing in inclosed ponds, and buying stolen fish.

Stealing roots, trees, or plants of the value of five shillings, or destroying them.

Stealing children with their apparel.

Bigamy, or marrying more wives or husbands than one (now punishable with transportation).

Assaulting and cutting or burning clothes.

Counterfeiting the copper coin.

Marriage, solemnising clandestinely.

Manslaughter, or killing another without malice.

Stealing a shroud out of a grave.

Cutting or stealing timber trees.

Watermen carrying too many passengers in the Thames, if any drowned.

III. Offences denominated misdemeanours, punishable by fine, imprisonment, whipping, and the pillory. The principal of which are the following :—

Perjury, or taking a false oath in a judicial proceeding.

Frauds, by cheating, swindling, contrary to the rules of common honesty.

Conspiracies for the purpose of injuring or defending others.

Assaults by striking or beating another person.

Stealing dead bodies.

Stealing cabbages, turnips, &c., growing.

Cutting and stealing wood and trees.

Robbing orchards and gardens.

Stealing deer from forests.

Stealing dogs.

1787

Setting fire to a house to defraud the insurance office.
 Making and selling fireworks and squibs.
 Throwing the same when on fire about the streets.
 Uttering base money.
 Selling base money under its denominated value.
 Embezzlement in the woollen, silk, and other manufactures.
 Offences by artificers and servants in various trades.
 Combinations and conspiracies for raising the price of wages.
 Smuggling run goods, and other frauds relative to the excise
 and customs.
 Keeping bawdy-houses and other disorderly houses.

VISIT OF HOPE TO SYDNEY COVE.

Where Sydney Cove her lucid bosom swells,
 Courts her young navies and the storm repels ;
 High on a rock amid the troubled air
 Hope stood sublime, and wav'd her golden hair ;
 Calm'd with her rosy smile the tossing deep,
 And with sweet accents charm'd the winds to sleep ;
 To each wild plain she stretched her snowy hand,
 High waving wood, and sea-encircled strand.
 'Hear me,' she cried, 'ye rising realms ! record
 Time's opening scenes, and Truth's unerring word.—
 'There shall broad streets their stately walls extend,
 'The circus widen and the crescent bend ;
 'There, ray'd from cities o'er the cultured land,
 'Shall bright canals and solid roads expand.
 'There the proud arch, Colossus-like, bestride
 'Yon glittering streams and bound the chafing tide ;
 'Embellish'd villas crown the landscape scene,
 'Farms wave with gold and orchards blush between.
 'There shall tall spires and dome-capt towers ascend,
 'And piers and quays their massy structures blend ;
 'While with each breeze approaching vessels glide,
 'And northern treasures dance on every tide !'
 Then ceas'd the nymph ; tumultuous echoes roar,
 And Joy's loud voice was heard from shore to shore.
 Her graceful steps descending press'd the plain,
 And Peace, and Art, and Labour join'd her train.

Darwin's name was just then famous in the poetic world, his 1789
Loves of the Plants, which appeared in 1788, having captivated the
 public fancy by its ingenious mixture of botanical science and Popular
 floral amours. He was the grandfather of Charles Darwin, the poetry.
 great naturalist. An engraving of the medallion referred to was
 published in Erasmus Darwin's poem, *The Botanic Garden* (1791),
 p. 87, with the following lines addressed to Wedgwood :—

To call the pearly drops from Pity's eye,
 Or stay Despair's disanimating sigh,
 Whether, O Friend of Art ! the gem you mould,
 Rich with new taste, with antient virtue bold,
 Form the poor fettered slave on bended knee
 From Britain's sons imploring to be free ;
 Or with fair Hope the brightening scenes improve,
 And cheer the dreary wastes at Sydney Cove ;
 Or bid Mortality rejoice and mourn
 O'er the fine forms on Portland's mystic urn.

These lines allude to "two cameos of Mr. Wedgwood's manu-
 facture ; one of a Slave in Chains, of which he distributed many Wedgwood's
 hundreds to excite the humane to attend to, and to assist in, the cameos.
 abolition of the detestable traffic in human creatures ; and the
 other a cameo of Hope attended by Peace and Art and Labour,
 which was made of clay from Botany Bay, to which place he sent
 many of them to show the inhabitants what their materials could
 do, and to encourage their industry."

Darwin had a curious gift of prophecy in science as well as in
 poetry. In the same poem (p. 29) occur the following lines :—

Soon shall thy arm, Unconquer'd Steam ! afar
 Drag the slow barge or drive the rapid car.

THE AMERICAN LOYALISTS.

Marston House, Frome,
 Somersetshire, October 21, 1784.

Dear sir,

Of the many letters that I have long been pestered with
 on the subject of New South Wales, the enclosed is the only one
 that I am now desirous of answering, for which reason I take the
 liberty of sending it to you. I know that Mr. De Lancey, who An active
 is very sanguine on the business, has been active in procuring the emigration
 consent of many people to go, and as a settlement somewhere is agent.
 essentially necessary to them, I wish to be authorised to give

1784 him a decisive answer, which, whatever my private opinion may be, I think would be improper till I hear from you. You will therefore do me a particular pleasure, if to the great trouble you have already taken in pushing forward this business for me, you would be so obliging as to tell me if the Ministry have come to a decided resolution to reject the plan, or if there be any chance of its being entered on in the spring season.

Ministry undecided as to settlement in New South Wales.

I shall go next Thursday, for a few days, to Lord Conyers, Benham Place, Berks, where your letter to me, under Lord Cork's cover, will safely reach me. My company, to be sure, is not politically orthodox; but when I assure you that I am not contaminated by their heresies, you will excuse the direction. I shall always be extremely cautious of obtruding on your time, and were you to see but a list of the fiftieth part of the letters I am perplexed with about the South Seas, I know you would pardon this instance.

Correspondence about it.

I am, &c.,

Evan Nepean, Esq.

JAMES M. MATRA.

[Enclosure.]

Dear sir,

Southampton, October 12, 1784.

I should have answered yours of the 31st of August sooner, but waited in expectation of another letter from you, which would have contained something decisive in regard to New South Wales

My brother will deliver this to you; he wishes much to have this business determined one way or the other, in order that, if the plan of making a settlement in the southern hemisphere should be given up, he may think of some other way of rendering himself usefull, as he has an active mind and does not chuse to remain idle.

The season for a voyage to that country will soon be elapsed, and unless the equipment is speedily sett afoot, another year will be lost and my prospect of procuring settlers from the Loyalists in Nova Scotia rendered less favorable; for by next year I should suppose, most of them who have gone there will have procured some kind of habitation for themselves, and will not chuse to quit them for an uncertain settlement in New South Wales; and I would like to have among the emigrants some of the better sort, and should not chuse to have this colony composed of persons who would not get their living anywhere else.

Loyalists in Nova Scotia.

Emigrants of the better sort.

I find that the Treasury Board have met, and therefore hope that now the Ministers have returned to town, some final determination will be had on this business, and flatter myself that a measure which appears to meet with general approbation will not be abandoned.

J. M. Matra, Esq.

JAMES DE LANCEY.

LIVE STOCK.

The first statistical return of Live Stock in the colony was made in 1788. under Phillip's instructions, for the purpose of ascertaining the exact number of stock in the colony on the 1st May, 1788. The result was as follows :—

An Account of Live Stock in the Settlement, May 1st, 1788.

To whom belonging.	Stallions.	Mares.	Colts.	Bulls.	Cows.	Sheep.	Goats.	Hogs.	Pigs.	Rabbits.	Turkeys.	Geese.	Ducks.	Fowls.	Chickens.
Government ..	1	2	..	2	2	1 ram 12 ewes	1	1 boar 19 sows	..	..	..	..	..	..	..
Governor .....	..	1	3	..	2	3 wethers 1 ewe 1 lamb	..	10	..	3	5	8	17	22	..
Lieut.-Governor	..	..	..	..	1	....	1	1	7	..	5	6	4	9	..
Officers and men of detachment.	..	..	..	..	..	....	12	10	17	2	6	9	8	55	25
Staff .....	..	..	..	..	..	11	5	7	1	..	2	6	6	36	62
Other individuals ..	..	..	..	..	..	....	..	....	1	..	..	..	..	..	..
Total.....	1	3	3	2	5	29	19	49	25	5	18	29	35	122	87

Since the 1st of May, three sheep dead, and the cows and bulls lost.

ANDW. MILLER,
Commissary.

The increase which has taken place in the live stock of the colony during the past century may be seen in the following table :—

	1788.	1888.
Horses	7	390,609
Head of Cattle	7	1,575,487
Sheep	29	46,965,152
Swine	74	264,111
Rabbits	5	Innumerable.

The total number of Live Stock in the different colonies at the end of the year 1887 is returned as follows :—

Colony.	Horses.	Cattle.	Sheep.	Pigs.
New South Wales ...	390,602	1,575,487	46,965,152	264,111
Victoria	315,000	1,333,873	10,623,985	243,461
South Australia	170,000	440,000	7,254,000	179,000
Queensland	305,865	4,473,716	12,926,158	73,663
West Australia	42,196	97,079	1,989,978	27,120
Tasmania	29,528	147,092	1,547,242	52,408
New Zealand	187,382	895,461	16,677,445	369,991
Total	1,440,573	8,962,708	97,983,960	1,209,754

NATIVE FOOD SUPPLY.

CAPTAIN, now SIR GEORGE, GREY, in his *Journal of Two Expeditions of Discovery in North-west and Western Australia*, vol. ii. p. 259, describes the native supplies of food in the interior as follows:—

Mistaken
ideas.

Tastes differ.

Sturt.

Mimosa
gum,

One mistake very commonly made with regard to the natives of Australia is to imagine they have small means of subsistence, or are at times greatly pressed for want of food; I could produce many almost humorous instances of the errors which travellers have fallen into upon this point. They lament in their journals that the unfortunate aborigines should be reduced by famine to the miserable necessity of subsisting on certain sorts of food, which they have found near their huts; whereas in many instances the articles thus quoted by them are those which the natives most prize, and are really neither deficient in flavour nor nutritious qualities. I will give a remarkable example of an error of this kind into which a traveller of great ability has fallen; but this will only render palpable the ignorance that has prevailed with regard to the habits and customs of this people when in their wild state, for those who frequent European towns and the outskirts of population are soon compelled by the force of circumstances to depart in a great measure from their original habits.

Captain Sturt, to whom I allude, says in his travels, vol. i. p. 118:—"Among other things, we found a number of bark troughs filled with the gum of the mimosa, and vast quantities of gum made into cakes upon the ground. From this it would appear that these unfortunate creatures were reduced to the last extremity, and, being unable to procure any other nourishment, had been obliged to collect this mucilaginous food."

The gum of the mimosa thus referred to is a favourite article of food amongst the natives; and when it is in season they assemble in large numbers upon the plains of the character previously described by Captain Sturt, in order to enjoy this luxury. The profusion in which this gum is found enables large bodies to meet together, which, from their subsistence being derived from wild animals and vegetables of spontaneous growth, they can only do when some particular article is in full season, or when a whale is thrown ashore. In order more fully to show how little the habits of this people have been understood, I may state with regard to this very gum, called by the natives *kwow-nat*, that about the time the above account was published by Captain Sturt an expedition was sent out from King George's Sound, in Western Australia, in

order to discover what was the nature of the article of food so loudly praised by them, and which they stated was to be found in certain districts in great profusion; the belief at that time being, from the accounts given of it, that it could be only a new and valuable species of grain. The exploring party did not attain their object, and to this day many of the settlers believe the *kwow-nat* to be a kind of corn. 1837-9
supposed
to be grain.

Generally speaking, the natives live well; in some districts there may at particular seasons of the year be a deficiency of food, but if such is the case, these tracts are, at those times, deserted. It is, however, utterly impossible for a traveller, or even for a strange native, to judge whether a district affords an abundance of food, or the contrary; for in traversing extensive parts of Australia I have found the sorts of food vary from latitude to latitude, so that the vegetable productions used by the aborigines in one are totally different to those in another; if, therefore, a stranger has no one to point out to him the vegetable productions, the soil beneath his feet may teem with food whilst he starves. The same rule holds good with regard to animal productions; for example, in the southern parts of the continent the *Xanthorrea* affords an inexhaustible supply of fragrant grubs, which an epicure would delight in, when once he has so far conquered his prejudices as to taste them; whilst in proceeding to the northward these trees decline in health and growth, until about the parallel of Gantheaume Bay they totally disappear, and even a native finds himself cut off from his ordinary supply of insects; the same circumstances taking place with regard to the roots and other kinds of food at the same time, the traveller necessarily finds himself reduced to cruel extremities. A native from the plains, taken into an elevated mountainous district near his own country for the first time, is equally at fault. Native food
distributed.

Grubs.

Roots.

But in his own district a native is very differently situated; he knows exactly what it produces, the proper time at which the several articles are in season, and the readiest means of procuring them. According to these circumstances he regulates his visits to the different portions of his hunting ground; and I can only state that I have always found the greatest abundance in their huts. There are, however, two periods of the year when they are, at times, subjected to the pangs of hunger. These are, in the hottest time of summer, and in the height of the rainy season. At the former period the heat renders them so excessively indolent that until forced by want they will not move, and at the latter they suffer so severely from the cold and rain that I have known them remain for two successive days at their huts without quitting the fire; and even when they do quit it they always carry a firestick with them, which greatly embarrasses their movements. In all ordinary seasons, however, they can obtain in two or three hours a Foods in
their season.

Fasts.

1837-9 sufficient supply of food for the day, but their usual custom is to roam indolently from spot to spot, lazily collecting it as they wander along.

That an accurate idea may be formed of the quantity and kind of food which they obtain, I have given below a list of those in use amongst the aborigines of south-western Australia, which I have seen them collect and eat.

Menu.

Six sorts of kangaroo
 Twenty-nine sorts of fish
 One kind of whale
 Two species of seal
 Wild dogs
 Three kinds of turtle
 Emus, wild turkeys, and birds of every kind
 Two species of opossum
 Eleven kinds of frogs
 Four kinds of fresh-water shell-fish
 All salt-water shell-fish, except oysters
 Four kinds of grubs
 Eggs of every species of bird and lizard
 Five animals, something smaller in size than rabbits
 Eight sorts of snakes
 Seven sorts of iguana
 Nine species of mice and small rats
 Twenty-nine sorts of roots
 Seven kinds of fungus
 Four sorts of gum
 Two sorts of manna
 Two species of by-yu, or the nut of the zamia palm
 Two species of mesembryanthemum
 Two kinds of nut
 Four sorts of fruit
 The flower of several species of Banksia
 One kind of earth which they pound and mix with the roots of the mene
 The seeds of several leguminous plants.

Artistic
cookery.

One of the native methods of cooking is described by Grey as follows:—If the fish are not cooked by being merely thrown on the fire and broiled, they dress them in a manner worthy of being adopted by the most civilised nations; this is called “yudarn dookoon” or “tying up cooking.” A piece of thick and tender paper bark is selected and torn into an oblong form; the fish is laid in this, and the bark wrapt round it, as paper is folded round a cutlet; strings formed of grass are then wound tightly about the bark and fish, which is then slowly baked in heated sand covered with hot ashes; when it is completed, the bark is opened, and serves as a dish; it is of course full of juice and gravy, not one drop of which has escaped. Several of the smaller sorts of fresh-water fish, in size and taste resembling whitebait, are really delicious when cooked in this manner; they occasionally also dress pieces of kangaroo and other meats in the same way.

THE JUDGE-ADVOCATE'S OPINION.

IN a letter to Evan Nepean, dated 15th November, 1788, Judge-Advocate Collins humbly explained his share in the legal difficulty which had occurred with reference to the Court-martial (pp. 347–350). His “opinion” on the question is interesting not only as the earliest specimen of legal literature of which we have any record, but as showing the peculiar method by which its author arrived at his conclusions on points of law. Collins to Nepean :—

Sydney Cove, Port Jackson,
15 November, 1788.

Dear sir,

I beg leave to trouble you with the inclosed paper. It contains my opinion on the question respecting General Courts-martial in this country, and the expedient that I proposed of getting over the difficulty that was started by myself and adopted by the officers here. Encloses his opinion ;

I beg you to rest assured, and through the whole of your consideration on this affair to take this with you, that nothing would give me more pain than to be thought to start difficulties for the sake of throwing obstacles in the way of the service. The doubts that occurred to me were deemed satisfactory to the officers of marines here, and the resolution adopted that you will find among the public letters from the Governor. I sincerely wish the expedient I proposed had been also adopted. regrets the difficulty ;

I sincerely hope you enjoy your health, and remain, with great esteem, &c.,

DAVID COLLINS.

I should be glad of a fresh supply of paper, and would be extremely obliged to you if you would order Cooper to send me Blackstone's Reports, any author that treats on Costs, and any law publication of note that has appeared since my departure, with whatever Acts of Parliament you may think necessary. wants law books.

Evan Nepean, Esq.

Sydney Cove, Port Jackson,
13 October, 1788.

To the question “Whether a General Court-martial, formed of marine officers, can assemble by virtue of a warrant from his Majesty's Governor-in-Chief of this territory, having a Commission to grant the same?” Opinion.

I reply—

I am of opinion that, being marine officers, they cannot comply with the directions of the Act of Parliament passed for their

1788 regulation while on shore in any part of his Majesty's dominions, and hold a Court-martial under the warrant of his excellency the Governor of New South Wales.

Officers
advised to
sit and
apply for
indemnity.

But when I consider the time that must elapse before a remedy can be applied, when I consider how much his Majesty's service may and must suffer from the want of a tribunal to which officers should be amenable, when I consider that although the strict letter of the law is against their sitting, it has been clearly the intention of every branch and department of his Majesty's Government that there should be such a tribunal in this country, I am of opinion that, waving the privilege of being assembled in conformity with their own Act of Parliament, they should sit under the authority of the King's Commission and Governor of this territory, throwing themselves, with the strong plea of necessity, on the Right Honourable the Lords Commissioners of the Admiralty for procuring them an indemnification for their having so acted.

DAVID COLLINS,
Judge-Advocate.

AN AMERICAN COLONIST ON TRANSPORTATION.

Public
opinion
in the
American
colonies.

To show the mischievous effect of the transportation system in America, the author of the History of New York, written in 1756, quoted a paper published in a local periodical called The Independent Reflector, in which the writer expressed the views of the colonists on the subject with considerable force and feeling. His statements shew three things clearly :—(1) that the number of convicts annually transported to the American colonies was very large ; (2) that the colonies were brought into so much discredit by that means among all classes in Great Britain and Ireland, that emigration was greatly discouraged ; and (3), that the colonists looked upon the system with disgust, and strongly protested against it.

Great
numbers
annually
transported.

"It is too well known that in pursuance of divers Acts of Parliament, great numbers of felons who have forfeited their lives to the public for the most atrocious crimes, are annually transported from home to these plantations. Very surprising, one would think, that thieves, burglars, pickpockets, and cut-purses, and a herd of the most flagitious banditti upon earth, should be sent as agreeable companions to us ! That the supreme Legisla-

ture did intend transportation to America for a punishment of those villains, I verily believe ; but so great is the mistake, that I am confident they are thereby, on the contrary, highly rewarded. For what, in God's name, can be more agreeable to a penurious wretch, driven through necessity to seek a livelihood by breaking of houses and robbing upon the King's highway, than to be saved from the halter, redeemed from the stench of a gaol, and transported, passage free, into a country where, being unknown, no man can reproach him with his crimes ; where labour is high, a little of which will maintain him ; and where all his expenses will be moderate and low. There is scarce a thief in England that would not rather be transported than hanged. Life in any condition but that of extreme misery will be preferred to death. As long, therefore, as there remains this wide door of escape, the number of thieves and robbers at home will perpetually multiply, and their depredations be incessantly reiterated.

1756

Transportation no punishment,

but encourages crime.

"But the Acts were intended for the better peopling the colonies. And will thieves and murderers be conducive to that end ? What advantage can we reap from a colony of unrestrainable renegades ? Will they exalt the glory of the Crown—or, rather, will not the dignity of the most illustrious monarch in the world be sullied by a province of subjects so lawless, detestable, and ignominious ? Can agriculture be promoted when the wild boar of the forest breaks down our hedges and pulls up our vines ? Will trade flourish, or manufactures be encouraged, where property is made the spoil of such who are too idle to work, and wicked enough to murder and steal ?

Colonies peopled by convicts cannot prosper.

"Besides, are we not subjects of the same king with the people of England—members of the same body politic, and, therefore, entitled to equal privileges with them ? If so, how injurious does it seem to free one part of the dominions from the plagues of mankind and cast them upon another ? Should a law be proposed to take the poor of one parish and billet them upon another, would not all the world, but the parish to be relieved, exclaim against such a project as iniquitous and absurd ? Should the numberless villains of London and Westminster be suffered to escape from their prisons, to range at large and depredate any other part of the kingdom, would not every man join with the sufferers, and condemn the measure as hard and unreasonable ? And though the hardships upon us are indeed not equal to those, yet the miseries that flow from laws by no means intended to prejudice us, are too heavy not to be felt. But the colonies must be peopled. Agreed. And will the Transportation Acts ever have that tendency ? No, they work the contrary way, and counteract their own design. We want people, 'tis true, but not villains ready at any time, encouraged by impunity, and habituated upon the slightest occasions to cut a man's throat for a small part

Colonists claim the privileges of Englishmen.

Honest men will not emigrate.

1756 of his property. The delight of such company is a noble inducement, indeed, to the honest poor to convey themselves into a strange country.

Settlement
checked by
transport-
ation.

"In reality, sir, these very laws, though otherwise designed, have turned out in the end the most effectual expedients that the art of man could have contrived, to prevent the settlement of these remote parts of the King's dominions. They have actually taken away almost every encouragement to so laudable a design. I appeal to facts. The body of the English are struck with terror at the thought of coming over to us, not because they have a vast ocean to cross, or to leave behind them their friends, or that the country is new and uncultivated ; but from the shocking ideas the mind must necessarily form of the company of inhuman savages, and the more terrible herd of exiled malefactors. There are thousands of honest men, labouring in Europe at fourpence a day, starving in spite of all their efforts, a dead weight to the respective parishes to which they belong ; who, without any other qualifications than common sense, health, and strength, might accumulate estates among us, as many have done already. These, and not the others, are the men that should be sent over, for the better peopling the plantations. Great Britain and Ireland, in their present circumstances, are overstocked with them ; and he who would immortalise himself for a lover of mankind should concert a scheme for the transportation of the industriously honest abroad, and the immediate punishment of rogues and plunderers at home. The pale-faced, half-clad, meagre, and starved skeletons that are seen in every village of those kingdoms, call loudly for the patriot's generous aid. The plantations, too, would thank him for his assistance in obtaining the repeal of those laws which, though otherwise intended by the Legislature, have so unhappily proved injurious to his own country and ruinous to us.

Labourers
at fourpence
a day.

Repeal of
the Trans-
portation
Acts.

"It is not long since a bill passed the Commons for the employment of such criminals in his Majesty's docks as should merit the gallows. The design was good. It is consistent with sound policy that all those who have forfeited their liberty and lives to their country should be compelled to labour the residue of their days in its service. But the scheme was bad, and wisely was the bill rejected by the Lords, for this only reason—that it had a natural tendency to discredit the King's yards, the consequences of which must have been prejudicial to the whole nation. Just so ought we to reason in the present case ; and we should then soon be brought to conclude, that though peopling the colonies, which was the laudable motive of the Legislature, be expedient to the publick ; abrogating the transportation laws must be equally necessary."—Smith, History of the Province of New York, pp. 266-9.

Employ-
ment of
convicts in
the docks
prohibited ;

apply that
principle to
the colonies.

ADMINISTRATION OF THE COLONIES IN 1787.

IN the instructions given to Phillip with respect to the exploration of the coast and the occupation of Norfolk Island, he was directed to transmit "any remarks or observations" which he might obtain to "our Principal Secretary of State for Plantation Affairs"; but his despatches from Sydney Cove were addressed to the Secretary of State for the Home Department, and to the Lords of the Admiralty. It is not easy at first sight to understand on what principle matters relating to the colonies came to be placed under the jurisdiction of the Home Office; while a reference to "Plantation Affairs" takes us back to the early days of Virginia and Maryland. The office of Secretary of State for the Colonies, to which we are now accustomed to look as the head of colonial administration, was first established in 1768, but the Minister was then known as "the Secretary of State for the American Department."* At that time the Council of Trade and Plantations, established in 1672, had control of all matters, not purely executive, relating to the colonies —then generally known as plantations. This Council, which was an amalgamation of the Council of Trade and the Council of Foreign Plantations created by Charles II in 1660, continued to exist after the appointment of a Secretary of State for the American department. Both the Secretaryship and the Council, however, were abolished in 1782 by an Act of Parliament known as Burke's Act; a measure probably suggested by the loss of the American colonies, which left the departments in question very little to do. The executive administration of colonial affairs was then vested in the Secretary of State for the Home Department, and all matters of detail connected with them were committed, after the passing of that Act, to a subordinate branch of the Home Office, composed of an Under Secretary and three clerks, and styled the "Plantation Branch" of the Home Office. A law officer was also appointed to report on colonial Acts.

Secretary
for the
Colonies first
established.

Council of
Trade and
Plantations.

Burke's Act.

Home
Secretary.

Two years after Burke's Act was passed, the ancient Committee of the Privy Council, to which were referred all questions relative to Trade and Plantations, was practically revived by an Order-in-Council which appointed a Committee for the same purpose,

* Lewis, Government of Dependencies, p. 162 n.

1787 commonly known as the Board of Trade. By two Orders-in-Council made in 1786, a new Committee was appointed, and its establishment placed on a definite footing. The business formerly transacted at the Plantation Branch of the Home Office was transferred to that Committee, which continued to administer colonial affairs till 1794, when the office of Secretary of State for War was created, owing to the pressure of business arising from the war of the French Revolution. Lord Melville, the first Secretary for War, did duty as Secretary for the Colonies also. The active functions of the Committee of Council appointed in 1786 appear to have ceased, so far as the plantations were concerned, immediately on the appointment of the Secretary for War and Colonies. This Committee, known as the Board of Trade, is now chiefly occupied in the discharge of those duties which its title imports; as a committee of Council for Plantations, it acts simply as the referee of the Colonial Office.

Secretary
for War and
Colonies.

Board of
Trade.

Secretary
for Colonies.

The two departments—War and Colonies—remained united until 1854, when the war with Russia suggested the expediency of separating them.*

The Colonial Office List for 1887 (p. 9) gives a concise sketch of the changes which have taken place in the history of the Colonial department; and also a list of the various Ministers who have presided over it.

Office of
Secretary.

The office of Secretary to the Sovereign dates at least from the reign of Henry III. There was one principal Secretary only (who was already called Secretary of State) down to 1539, when a second was appointed. From 1708 to 1746 a third secretaryship existed, dealing exclusively with Scotland.

Colonial
department.

In 1768 a Secretary of State for the American or Colonial department was appointed, in addition to the two principal Secretaries of State then existing; but this office was abolished in 1782 by statute 22 Geo. III, cap. 82.

Office for
Plantations.

In 1782 the duties of the two principal Secretaries of State were divided into Home and Foreign, the affairs of Ireland and the colonies devolving on the Home department: those of the colonies being placed in the charge of a separate branch of the Department called the Office for Plantations, managed by a separate Under Secretary.

At its commencement in 1793, the affairs of the French War were managed by the Home department; but in 1794 a principal Secretary for War was appointed, and the business of the colonies

* Mills, Colonial Constitutions, pp. 4-13.

was, in 1801, transferred to this new department, which thenceforth was generally known as the Colonial, or Colonial and War, department. 1787

In 1854 a fourth Principal Secretary of State was created for War, and the affairs of the colonies came under the exclusive charge of a Principal Secretary of State. Secretary for Colonies.

In 1858 a Principal Secretaryship of State was created for the affairs of India, and in 1885 a separate Secretary for Scotland was appointed. India and Scotland.

Secretaries of State who administered the affairs of the Colonies between 1768 and 1795.

1768—February 27. Wills, Earl of Hillsborough (afterwards Marquis of Downshire).

1772—August 27. William, Earl of Dartmouth.

1776—January 25. Lord George Sackville Germaine (afterwards Viscount Sackville).

1782—March 8. Welbore Ellis (afterwards Lord Mendip).

1782—April 15. William, Earl of Shelburne.

1782—July 17. Thomas, Lord Grantham.

1782—October 5. Thomas Townshend (afterwards Lord Sydney).

1783—April 18. Frederick, Lord North (afterwards Earl of Guildford).

1783—December 23. Francis, Marquis of Caermarthen (afterwards Duke of Leeds).

1784—January 22. Thomas, Lord Sydney.

1789—June 5. William Wyndham Grenville (afterwards Lord Grenville).

1792—March 28. Henry Dundas (afterwards Viscount Melville).

1794—August 7. William Henry, Duke of Portland.

PITT'S MINISTRY.

THE Pitt Cabinet, which held office from 1783 to 1803, was, in the first instance, composed as follows:—

William Pitt—First Lord of the Treasury and Chancellor of the Exchequer.

Earl Gower—President of the Council.

Duke of Rutland—Privy Seal.

Marquis of Caermarthen—Secretary of State for the Foreign Department.

Lord Sydney*—Secretary of State for the Home Department.
 Lord Thurlow—Lord Chancellor.
 Lord Howe†—First Lord of the Admiralty.

The Cabinet was thus composed of seven members. In addition to these, the Government included the following:—

Duke of Richmond—Master-General of the Ordnance.
 Henry Dundas‡—Treasurer of the Navy.
 Lloyd Kenyon§—Attorney-General.
 Richard Pepper Arden||—Solicitor-General.
 William Wyndham Grenville, }
 afterwards Lord Grenville¶ } Joint Paymasters of the Forces.
 Lord Mulgrave }
 Sir George Yonge—Secretary at War.
 George Rose, Esq. } Secretaries of the Treasury.
 Thomas Steele, Esq. ... }
 Duke of Rutland—Lord Lieutenant of Ireland.
 Lord Hawkesbury**—President of the Council of Trade and Plantations.

* Retired in June, 1789; succeeded by Lord Grenville.

† Succeeded by Lord Chatham, Pitt's brother, in 1788.

‡ Appointed to the Home Department in 1791 in place of Lord Grenville.

§ Appointed Lord Chief Justice in succession to Lord Mansfield, who retired in 1788.

|| Appointed Master of the Rolls on the promotion of Lloyd Kenyon.

¶ Appointed to the Home Department on the resignation of Lord Sydney in June, 1789. In 1790, he was raised to the peerage and appointed to the Foreign Office, where he remained until the resignation of the Ministry in 1801.

** Charles Jenkinson, raised to the peerage in 1786 as Baron Hawkesbury, and in 1796 created Earl of Liverpool. He was appointed President of the Council in 1786; Beatson, Political Index (1806), vol. iii, pp. 451-2. The Hawkesbury River was named after him; Collins, p. 72.

BIBLIOGRAPHY
OF
TERRA AUSTRALIS, NEW HOLLAND, AND NEW SOUTH WALES,
TO 1820.

[For a considerable portion of the matter published in this section, the Author is indebted to Mr. Edward Augustus Petherick, F.L.S., F.R.G.S., compiler of the Catalogue of the York Gate Library, and publisher of the Torch and Colonial Book Circular.]

BIBLIOGRAPHY

of Terra Australis, New Holland, and New South Wales, to the year 1820.*

THE earliest references to the colonisation of the country formerly known as Terra Australis, appear in the shape of certain proposals made to the British Government in the sixteenth century. Early in the reign of Queen Elizabeth the subject of colonies was discussed in England, and papers were laid before her Majesty on the advantages likely to accrue from new discoveries of lands not already taken possession of by the Portuguese, Spaniards, or French, and especially of those countries lying beyond the Equinoctial.† A later project, in Secretary Walsingham's handwriting, for establishing a company to trade beyond the Equinoctial line—Drake to be Governor for life—still exists in the Record Office. This was prepared in 1580, just after Drake's return home from his voyage round the world.

Terra Australis was supposed to reach from the south towards and beyond the tropic of Capricorn, nearly to the Equator, and its coast-line to extend all round the South Pole. It is so delineated on old globes and mappes-mondes (1530-66), and described in an introduction to the account of Frobisher's First Voyage (1578); those parts best known lying over against Cabo di Buena Esperanza, whither the Portuguese in their voyages to India had been driven out of their direct course by storms.

The only English colonies settled or attempted to be settled in the reigns of Elizabeth and her successor, were those in North America and Guiana.

* "The discoverie, traffique, and enjoyeuge for the Queens Majesty and her subjects of all or anie lands, islands and countries southwards beyond the æquinoctial, or when the pole Antartik hathe anie elevation above the Horison, and which landes, islandes, and countries be not already possessed or subdued by or to the use of any Christian Prince in Europe as by the charts and descriptions shall appere."—Landsdowne M.S., C folio 142-6.

† This manuscript, which is endorsed by Lord Burleigh, *A discovery of lands beyond the Equinoctial*, 1573, has been printed in the Hakluyt Society's edition of Frobisher's Voyages, 1867, pp. 4-8.

Bibliography.

In the meantime, Pedro Fernandez de Quiros, who believed he had discovered Terra Australis, had petitioned Phillip the Third of Spain to colonise that country lest it should be taken possession of by the English. All the known memorials of Quiros have been recently published (Madrid, 1877-82), together with the narratives of his two voyages (1595 and 1606), preceded by that of Mendana to the Solomon Islands (1567). One of the Quiros memorials falling into the hands of Gresley, Secretary to the English Embassy at the Spanish Court, was by him forwarded to his Government in 1610.*

Raleigh's first colony in North America (1587) had not succeeded; but other settlements in Virginia and New England, despite Spanish protests, were now being founded with some measure of success. Sir James Lancaster, who had made voyages to the East Indies frequently, proposed to have a ship sent through the Straits of Magellan to the Solomon Islands, but without result. James the First was not favourable to colonies. In the last year of his reign, 1624-5, an eminent London merchant—probably the most enterprising one of his time—Sir William Courteen, desiring to extend his trade to the Terra Australis, petitioned the king for the privilege of establishing colonies there. Sir William, who was joint owner of more than twenty ships of burden, employing four or five thousand seamen, already carried on an extensive trade on his own account to Portugal, Spain, Guinea, and the West Indies. The following is a copy of his petition:—

To the Kings Most Excellent Ma^{tie}.

The humble petition of Sir William Courteen, Knt., most humbly sheweth unto your Ma^{tie},—

That all lands in y^e south parts of y^e world called Terra Australis Incognita, extending eastwards and westwards from y^e Straights of Le Maire together with all ye adjacent islands, &c., are yet undiscovered or being discovered are not yet traded unto by any of your Ma^{ties} subjects. And your petitioner being very willing att his owne charges which wilbe very greate, to indeavour y^e discovery thereof and settle Collonies and a plantation there which he hopeth will tend to ye glory of God, ye reducing of Infidells to Christianity, ye honour of your Ma^{tie}, ye enlargem^t of your Ma^{ties} Territories and Dominions, ye increase of your Ma^{ties} Customs and revenue, and ye Navigation and imployment of your Ma^{ties} subjects:

Your pet^r therefore humbly desireth y^r Ma^{tie} to bee pleased to grante to him his heires and assignes all ye said lands islands and territories, with power to discover ye same to erect colonies and a plantation there and Courts of Justices officers and ministers for ye settling and governinge of ye said colonies and plantations, and those which are or shall inhabit or be there, and power to administer justice and to execute marshall law by land and sea, and for your pet^r and those whom hee shall employ to defend themselves

* An English translation was printed in London, 1617; reprinted, 1723.

and offend such others as shall oppugne or hinder the said discovery or **Biblio-**
 plantation of your pet^r shippes in going or returning. And with such other **graphy.**
 grantes and landes and privileges as in cases of discovery or settlinge of
 colonies or plantations is usuall or shall be fitt. And to directe your Ma^{ties}
 Attorney-Generall to prepare a grante accordingly fitt for your Ma^{ties} royal
 signature. And your pet^r (as in duty bound) shall ever pray for your
 Ma^{ties} long and happy raigne.

Having lent large sums of money to the King, Sir William Courteen had some claim upon his Majesty's consideration. But it does not appear that "all ye said islands and territories" were granted to him. He seems to have been satisfied with a bad title to the island of Barbados; where he sent (1626) fifty settlers, who built a fort and remained there till it was taken from them in 1628. He then sent eighty men and retook it in the name of the Earl of Pembroke. Sir William died in 1636.

The next proposal for the colonisation of Terra Australis bears the name of Captain Welbe, dated 1716. One copy only of the original is known to exist, and that is in the Bibliothèque Nationale, Paris. In the light of present knowledge this document is of great interest; especially in connection with the reference to the gold and silver mines, and the name of "New Wales."

CAPTAIN JOHN WELBE'S
 Proposals
 for

Establishing a Company by the name of the London Adventurers for carrying on a Trade to (and settling Colonies in) Terra Australis, and working and improving the *Gold* and *Silver* Mines which there abound.

Whereas 'tis well known that there is no nation that do Trade from the South Seas to the East Indies but the Spaniards, whose India Trade is from Acapulco (on the coast of Mexico in the South Seas) to the Phillippine Islands in the East Indies, which ships, in going, keep always in the north-east Trade wind; and in coming back they run to 40 or 45 degrees north, to meet a westerly wind, to run them to the eastward, for which reason those southern parts are not yet fully discovered, nor any part of them settled by any European whatsoever, they lying out of the way of all trading ships.

If we look back and trace the course of those European Ships Voyages that have sailed round the Globe, it may be easily seen how far they were from making any Discoveries in those southern parts, the course of their voyages not giving them any opportunity for so doing.

Magellanus, the discoverer of the Streights called after his name, the first that sail'd west from the South Seas to the East Indies, sailed along the coast of Peru and Mexico, till he came to California, and thence took his departure for India, keeping in the north-east Trade wind.

Bibliography.

Sir Francis Drake, said to be the first Commander that sail'd round the Globe (Magellanus being killed by the Indians at Mindanao Island), kept the coast of Peru and Mexico, and sailed west for India, in the north-east Trade wind.

Sir Thomas Cavendish the same.

Captain Swann, one of the Buccaneers of America, with whom Captain Dampier sail'd the first time round the Globe, kept in the north-east Trade wind from California to India, and was killed at Mindanao, as Magellanus was.

Captain Rogers in the Duke and Dutchess, with the Acapulco ship, kept likewise in the north-east Trade wind.

It is here to be observed that from the coast of Peru West, to the East Indies, is upwards of 2,500 leagues, which to the southward of the Line is undiscovered to any European (Captain Welbe excepted), who, in the course of his voyage round the world with Captain Dampier, in the year 1703, 1704, 1705, 1706, having many extraordinary opportunities of satisfying and informing himself what discoveries had been made, by order of the Viceroy of Peru, for 150 years past: was thereby well assured, that the islands, named by the said Captain Welbe St. George's Islands and New Wales, and some other islands thereabouts, which abound with mines of gold and silver, belong to no European Prince or State, and are therefore free for the first Discoverer to take possession of, which mines the undertaker doubts not to prove, will enrich the British Nation upwards of 50,000,000 sterling, if taken possession of, and colonies settled, which is not half what the kingdom of Peru has produc'd to the Spaniards since their first settlement there under Francisco Pizaro, the first Viceroy.

It is therefore proposed that a Joint Stock, not exceeding 2,500,000, be raised to fit out ships, and settle colonies forthwith, that the improvement and advantages of such valuable discoveries may not be lost. And in order thereto, the said Captain Welbe is now ready to grant permits to such persons who are willing to be proprietors and adventurers in this said undertaking. On grant of which permits the proprietors are to pay in 1s. on every share, viz., 10s. for 1,000L to enable the undertaker to apply for and obtain a patent, and defray other charges; and no more is to be paid in until at a general meeting of, and by the proprietors, directors, and treasurers be chosen; and then no more on each share than what the directors, at such meeting, shall agree on, and find necessary for carrying on effectually so valuable and advantageous a trade.

N.B.—The proposer has no sinister ends, nor self-interest, in view, and expects no pay, nor any reward, but such part of the neat produce of profits, as the directors themselves shall think fit, and agree, to allow him.

Among the Sloane MSS. in the British Museum is an earlier proposal by Captain Welbe to the British Government for a full discovery of the Terra Australis. Burney, vol. iv, p. 517, gives the following account of it:—

In 1713, John Welbe, a person who had been in the South Sea with Captain Dampier, offered a plan to the British Ministry for a voyage to make a full discovery of Terra Australis. Welbe was an ingenious but

distressed projector, and it appearing that his proposals were made principally with a view to his own relief, they obtained little attention. They were referred to the Admiralty, and afterwards to the South Sea Company, a Committee of which Company examined and "found the matter out of their bounds." The heads of Welbe's scheme were, to give them in his own words, as follows :—

"For a good fourth-rate ship of the navy to be equipped for the voyage, to carry 180 men, having only her upper tier of guns mounted, leaving the rest ashore for the convenience of stowing additional provisions, and for the ease of the ship. The cooking copper to be hung like a still, so that when water is wanted, we can distil salt water and make fresh. Also a brigantine tender to be provided. To go round Cape Horne to the Island Juan Fernandez; thence to the Solomon Islands, discovered 150 years ago by the Spaniards, but the Court of Spain did not think fit to settle them by reason they had not entirely settled the main land of Peru. On arriving, to search and discover what that country abounds in, and to trapan some of the inhabitants on board and bring them to England, who when they have learnt our language will be proper interpreters."

He proposes afterwards to sail to New Guinea, which he supposed to be a part of Terra Australis, and there to make the like examination.

Welbe several times renewed his proposals. His plan and application have been preserved in the Sloane collection of Manuscripts, and his last application is dated in the latter part of the year 1716, from Wood-street Compter, where he was then confined for debt. He complains in it that he was brought to distress by fourteen months' attendance, having in that time presented three petitions to the King, besides petitioning the Treasury and the Admiralty Board, without receiving any definite answer.

Purry:—A few years later a little volume, in two parts, advising the settlement of colonies in South Africa and South Australia, was published in Amsterdam, bearing these titles :—

Aanmerkingen; Betreffende de kust der Kaffers, en het Landt van Pieter Nuyts: Ten opzigte van de nuttigheit, die de Oostindische compagnie, van dezelve voor haarenkoophandel zoude kunnen trekken [emblem with motto, "Terrae dum prosim"]. 18mo., pp. 114. t'Amsterdam, by R. en G. Wetstein, 1718.

Tweede Aanmerkingen; Betreffende de kust der Kaffers; en het landt van Pieter Nuyts: Dienende tot opholdering der voorstellingen in de eerste gedaan, ten nutte van de oostindische compagnie [emblem]. 18mo., pp. 116. t'Amsterdam, by R. en G. Wetstein, 1718.

This work was issued in French in the same year :—

Memoire sur le Pais des Cafres, et la Terre de Nuyts. Par rapport à utilité que la Compagnie des Indes Orientales en pourroit retirer pour son commerce. 18mo., pp. 83. Amsterdam, 1718.

Second Memoire sur le Pais des Cafres, et la Terre de Nuyts, servant d'eclaircissement aux propositions faites dans le premier, pour l'utilité de la Compagnie des Indes Orientales. 18mo., pp. 77. Amsterdam, 1718.

The first memoir was originally addressed by Jean Pierre Purry, à Batavia le 20 de mai 1717, to S. E. Mons. Christophol van Swol, Gouverneur-Generale des Indes Orientales des Pais Bas. It is here printed in the author's mother-tongue, and addressed to Messieurs les deputez à l'assemblée des dix-sept., représentant la compagnie generale des Indes Orientales, des pais bas : à Amsterdam ce 23 juillet 1718,—to whom the second memoir was also addressed, 1 September, 1718.

**Biblio-
graphy.**

In the British Museum there are two other tracts by the same author :—

I. Memorial of Jean Pierre Purry of Neuchatel in behalf of the Colonisation of South Carolina. 4to., pp. 12. London, 18th July, 1724. [Reprinted in Carroll's Historical Collections, vol. ii, 1836; in Force's Tracts, vol. ii, 1836, and separately in 4to., Augusta, Georgia, 1880.]

II. A method for determining the best climate of the Earth, on a principle to which all geographers and historians have been hitherto strangers. In a memorial presented to the Governors of the East India Company in Holland, for which the author was obliged to leave that country. By John Peter Purry. Translated from the French. 12mo., pp. 4-60. London, 1744.

Collation: Title, Advertisement [Sketch of Author's Life]. Address to my Lords the Deputies to the Assembly of Seventeen Representatives of the General Company of the East Indies of the Low Countries, Method, &c.

The advertisement is as follows :—

John Peter Purry, the Author of the following memorial, was born at Neuchatel in Switzerland about the year LXX of the last century, who having engaged for some time in the wine trade, and meeting with misfortunes in it, contracted himself to the Chamber of Amsterdam for the East Indies in Batavia about the beginning of 1713; where by his plantations and by being Reader to the Reform'd Church in that city, having pretty well repair'd his fortune in the year 1717, he presented to the Governor-General of the East India Company, a proposal for Settling a Colony in the Land of Nights, not far from the Island of Java, which not having the good fortune to be approved of, he obtained leave to return to Europe.

In doubling the Cape of Good Hope he was so taken with the admirable colonies he found there, that he was more and more confirmed in the Thought of Immortalizing his Name with some Settlement of the 33rd degree, either of Northern or Southern Latitude. Arriving at Amsterdam in 1718, he presented there in French the Memorial we now give to the Reader in English, to the Lords the Directors of the Dutch East India Company, who determine all matters relating to it. Neither this Memorial, nor another which accompanied it, were well received insomuch that a friend of his told privately he had best get out of the Way for that some Things had been observed in both Papers which ought not to be made public.

He took the advice and went into France; from whence he made a tour into his own country. But returning to Paris in that fatal year, 1720, he lost in the Mississippi Company what he had got in the East Indies. Here his former scheme reviv'd, and, having modelled it to the French Settlements, he presented it to some of the Prime Ministers, who referred it to the Royal Academy of Sciences. Mons. Fontenelle return'd this cautious answer that they could not pass a judgement on a country which they had never seen, and that therefore it would not be advisable to make expensive settlements in places they were unacquainted with. This was all the determination that could be got from him. The Journal des Scavans, however, took notice of the Proposal, and gave a fair representation of it. Rejected a Second Time, Mr. Purry came into England, and printed his proposal here for establishing a Colony on the English coast of America, southward enough for his favourite degree. It was presented to the Duke of Newcastle as he was walking with the king at Kensington in 1721. But neither here could his scheme boast of the expected approbation. I remember, however, that Sir Isaac Newton, to whom I communicated it, agreed in general to the Principles of it, with a proviso that the Nature of each Country and Soil should be first examined before settlements were attempted.

But about this time Georgia beginning to be talked of, Mr. Purry, at the request of some Merchants, who wanted to know the condition of that country, went thither. At his arrival, he first took a general survey of it, then passed into Switzerland, and brought from thence enough of his countrymen to establish a small Colony, at the extremity of Carolina, just upon the river which divides it from Georgia, where he died about ten years since, in an advanced age: having first built a Town as a Monument to himself, which still bears the name of Purisburg.

Bibliography.

Fictitious Voyages:—Works of this description began to make their appearance early in the seventeenth century. The first on the list appears to be Bishop Hall's:—

Mundus Alter et Idem, sive Terra Australis, ante hac semper incognita, longis itineribus peregrini Academici nuperrime lustrata. Auth. Mercurio Britannico, Josepho Hall.

12mo., pp. viii, 224. Hannovæ, 1607.

I can only produce two books by English authors in the first part of the seventeenth century which fall properly under the class of novels or romances, and of these one is written in Latin. This is the *Mundus Alter et Idem* of Bishop Hall, an imitation of the later and weaker volumes of Rabelais. A country in Terra Australis is divided into four regions, Crapulia, Viraginia, Moronea, and Lavernia. Maps of the whole land and of particular regions are given; and the nature of the satire, not much of which has any especial reference to England, may easily be collected. Hallam, Literary History of Europe.

The next work of the kind was written in French:—

Les Avantures de Jacques Sadeur, dans la decouverte et le voiage de la Terre Australe, contenant les coûumes et les moeurs des Australiens, &c. 12mo., pp. 10, 341. Geneva, 1676.

This work went through several editions; Paris, 1692; Amsterdam, 1692; London, 1693; Paris, 1705. It was translated into German under the title *Neu Entdecktes Sudland*, Dresden, 1705, and published in a collection of *Voyages Imaginaires*. Some curious particulars about the work and its author may be seen in Bayle's Dictionary, art. Sadeur. The author's name was Gabriel Foigny. A notice of his works will be found in the *Biographie Universelle*.

This was followed by a similar production—

Histoire des Sevarambes, peuples qui habitent une partie du troisième continent, La Terre Australe.

Two parts. 12mo. Amsterdam, 1702.

Attributed to Isaac Vossius, and also to Denis Vairasse d'Allais.

Translated into English with the following title:—

The History of the Sevarites or Sevarambi, a nation inhabiting part of the third continent, commonly called *Terræ Australes Incognitæ*. With a further account of their admirable government, religion, customs, and language. Written by one Captain *Silen*, a worthy person, who, together with many others, was cast upon those coasts, and lived many years in that country.

12mo., pp. 140. London, 1679.

Bibliography.

Another edition was published, with a different title:—

The History of the Sevarambians ; translated from the Memoir of Captain Siden, who lived fifteen years among them. 8vo. London, 1738.

Another French publication of the same kind was published with the following title:—

Voyage de Robertson aux Terres Australes, traduit sur le Manuscrit Anglois. 12mo., pp. 474. Amsterdam, 1766.

“Robertson” represents himself as the lieutenant of a ship called the Elizabeth, in which the Chevalier Drake sailed from the Thames in 1585 to discover the Terres Australes.

Early Voyages:—The literature relating to the discovery of Terra Australis has been collected and discussed by R. H. Major in his *Early Voyages to Terra Australis*, published by the Hakluyt Society in 1859. In the introduction the author summarises the different voyages of discovery to the South Sea made by French, Portuguese, Spanish and Dutch navigators, and examines the evidence on the question of priority among them. The introduction is followed by translations of documents from the Spanish and Dutch Archives, and extracts from published voyages, as follows:—

A memorial addressed to his Catholic Majesty Phillip the Third, King of Spain, by Dr. Juan Luis Arias, respecting the exploration, colonisation, and conversion of the Southern Land. Translated from the Spanish original.

Relation of Luis Vaez de Torres concerning the discoveries of Quiros as his Almirante. Dated Manilla, July 12, 1607. A translation nearly literal by Alexander Dalrymple, Esq., from a Spanish manuscript copy in his possession, reprinted from appendix to vol. ii of Burney's *Discoveries in the South Sea*.

Extract from the Book of Dispatches from Batavia, commencing January the 15th, 1644, and ending November the 29th following. Reprinted from Dalrymple's *Collections Concerning Papua*.

The Voyage and Shipwreck of Captain Francis Pelsart, in the *Batavia*, on the coast of New Holland, and his succeeding adventures. Translated from Thevenot's *Recueil de Voyages Curieux*.

Voyage of Gerrit Thomas Pool to the South Land. Translated from Valentyn's *Beschryvinge van Banda*.

Account of the wreck of the Ship *De Vergulde Draeck* on the South Land, and the expeditions undertaken, both from Batavia and the Cape of Good Hope, in search of the survivors and money and goods which might be found on the wreck, and of the small success which attended them. Extracted from MS. documents at the Hague, and translated from the Dutch.

Description of the West Coast of the South Land, by Captain Samuel Volkersen, of the pink *Waeckende Boey*, which sailed from Batavia on the 1st of January, 1658, and returned on the 19th of April of the same year. Extracted from MS. documents at the Hague, and translated from the Dutch.

Extract translated from Burgomaster Wisten's *Noord En Oost Tartarye*.

Extract from the Sloan MS. 3236, entitled *The Adventures of William Dampier*, with others [1686–87], who left Captain Sherpe in the *South Sea*, and travelled back overland through the country of Darien.

Some particulars relating to the voyage of William De Vlamingh to New Holland in 1696, extracted from MS. documents at the Hague, and translated from the Dutch. **Bibliography.**

Extract from the journal of a voyage made to the unexplored South Land, by order of the Dutch East India Company, in the years 1696 and 1697, by the hooker *De Nuptang*, the *De Geelvink*, and the galiot *De Wesel*, and the return to Batavia. From the MS. documents at the Hague: translated from the Dutch.

Account of the observations of Captain William Dampier on the coast of New Holland, in 1699, being an extract from "a Voyage to New Holland, &c., in the year 1699."

A written detail of the discoveries and noticeable occurrences in the voyage of the *fluyt Vossenbosch*, the sloop *D'Waijer*, and the *patsjallaug Nova Hollandia*, despatched by the Government of India, anno 1705, from Batavia by way of Timor to New Holland. From MS. documents at the Hague: translated from the Dutch.

The Houtman's Abrolhos in 1727, translated from a publication entitled *De Houtman's Abrolhos*, by Captain P. A. Leupe, of the Dutch Navy.

Supplement, "On the Discovery of Australia by the Portuguese in 1601," *Archæologia*, vol. xxxviii.

Purchas, his Pilgrimes:—

Hakluytus Posthumous, or Purchas, his Pilgrimes, in five bookes, &c. By Samuel Purchas, B.D. Maps and illustrations. 5 vols., folio. London, 1625.

The fourth volume contains:—

Relation of the new discoverie in the South Sea made by Pedro Fernandez Giros, Portuguez, 1609, with his petitions to the King, one Englished, another in Spanish: p. 1422.

The copie of a petition presented to the King of Spaine, by Capt. Peter Ferdinand de Quir, touching the discoverie of the fourth part of the world, called *Terra Australis Incognita*: and of the great riches and fertilitie of the same. Printed with license in Sivill, an., 1610: p. 1422.

A note of AUSTRALIA del Espiritu Santo, written by Master Hakluyt: p. 1428.

This appears to be the first use of the word Australia in print.

Thevenot:—*Relations de Divers Voyages Curieux, qui n'ont point esté Publiées, et qu' on a Traduit ou tiré des Originaux, &c., données au public par le soins de feu Mechisedec Thevenot. Nouvelle édition.* 2 vols., folio. Paris, 1696.

The first volume contains:—

Découverte de la Terre Australe, par le Capt. F. Pelsart, 1628, traduite de l'Hollandois. Carte de cette Cinquième Partie du Monde, 1663.

The second volume—

Route d'Abel Tasman autour de la Terre Australe, avec la découverte de la Nouvelle-Zélande et de la Terre de Diemens, 1642–3.

Bibliography.

Valentyn:—Oud en Nieuw Oost-Indien, &c., Door François Valentyn. Folio, 5 vols. Amsterdam, 1724-6

Vol. iv (p. 194) contains a fine portrait of Antonio Van Diemen, Gouverneur General von Nederlands Indien.

Dampier:—A Collection of Voyages. In four volumes, containing Captain William Dampier's Voyage Round the World, &c. Illustrated with maps and draughts: also several birds, fishes, and plants, not found in this part of the world: curiously engraved on copper-plates. 8vo., 4 vols. London, 1729.

This edition contains several other voyages in addition to Dampier's.

Another edition of Captain Dampier's Voyages, with considerable variations in the text as compared with that of 1729, appeared in Harris's Voyages (Navigantium atque Itinerantium Bibliotheca), vol. ii, p. 865. London, 1705.

The geographers of the early part of the eighteenth century continued to describe the Terra Australis after the manner of their predecessors, adding from time to time the names given to new discoveries, chiefly those of the Dutch. Occasionally the philosophers discussed the subject:—

Dissertatio Physica de Terra Australi, quam inclutæ Facultatis Philosophicæ consensu eruditorum disquisitioni subiecit d. iv. Aprilis MDCCXVI M. Johannes Augustus Rivinus, Lips. Respondente Friderico Wilelmo Prevsero, Nebra Thuring. S.S. Theol. Stud. Lipsiæ, small 4to, pp. 24.

Of this period is a tract in the British Museum:—

Terra Australis Incognita, posteritati relicta, Vestigiis ix Monstratis. 8 pp. folio. Helmstadii, 1741.

Enterprise at home and abroad was too stagnant at this time for the encouragement or support of any colonising schemes. But the learned de Maupertuis having accepted an invitation from Frederick the Great to settle in Berlin, he there addressed his Letter to the King of Prussia on the Progress of the Sciences. Among the sciences which stood in need of the support of a sovereign were those connected with foreign discoveries, and first of all, that of Terra Australis.

In the Terra Australis, the eminent savant believed there would be found species different from those contained in any other parts of the world, because they never could have gone out of their own continent. Near it were islands in which navigators assure us they have seen savages, men covered with hair having tails; a middle species, between a monkey and a man. "I would rather," he writes, "have an hour's conversation with one of these than with the greatest wit in Europe."—See English translation in Appendix to The Schemer; or, Universal Satirist, by that great Philosopher, Helter Van Scelter, London, 1765, pp. 249 *et seq.*

Maupertuis' suggestion was not to be lost. It was taken up by an able advocate, Charles de Brosses, President of the Parliament

of Dijon, who collected in two quarto volumes the accounts of all Biblio-the voyages which had been made to *les Terres Australes*. De graphy. Brosses divided his work into three sections, viz.: Australasia, Polynesia, and Magellanica.

De Brosses:—*Histoire des Navigations aux Terres Australes*. Contenant ce que l'on sçait des mœurs et des productions des Contrées découvertes jusqu'à ce jour; et où il est traité de l'utilité d'y faire de plus ample découvertes, et des moyens d'y former un établissement. 4to., 2 vols. Paris, 1756.

In his preface, de Brosses explains the origin of his work by saying that, shortly after the publication of the letters of de Maupertuis, he was present at a private meeting of literary men at which the letters were discussed; that he spoke for half-an-hour on the proposal for making further discoveries in the Terres Australes; and that, finding himself *au fait* on the subject, he was led to undertake the task of collecting the Voyages.

Speaking of the discoveries in the southern seas made subsequent to the publication of his work, the *Biographie Universelle*, in its notice of de Brosses, says—

Où ne sait pas assez en France que de Brosses a eu, pour ainsi dire, l'initiative de ces découvertes; qu'il les a pressenties et provoquées; que la lecture de son livre, en donnant Bougainville à la marine Française, a donné l'éveil à l'amirauté britannique, et à Cook lui-même.

Burney, referring to the work of de Brosses, preface to vol. i, p. x, says—

It is very evident that the principal object of de Brosses was to explain the advantages of distant colonies, and to recommend the settlement of land discovered in the southern hemisphere.

His volumes were preceded and followed by others dealing with the subject. See especially—

Harris's Voyages. Edited by Dr. Campbell (2 vols.), vol. xi, sect. 20. London, 1744.

Terra Australis; or a History of the Southern Continent [Book xiv, chap. xii, of Universal History], being vol. ii of Modern History, pp. 273-553. London, 1759.

The writer (probably Harris's Editor) suggested that the African Company should be invested with the exclusive right of making discoveries and settlements in the Southern Continent. If neither the African nor the East India Company should think it expedient or consistent with their interests to establish such settlements, he thought the duty should then devolve upon the South Sea Company, who by their charter had the power to do so.

Harris:—*Navigantium atque Itinerantium Bibliotheca*. A Complete Collection of Voyages and Travels, &c. New edition, revised and continued [by John Campbell, LL.D.]. Maps and Plates. 2 vols., folio. London, 1764.

**Biblio-
graphy.**

The first volume contains :—

- The voyage of Don Pedro Fernandez de Quiros ;
- The voyage and shipwreck of Captain Francis Pelsart, on the coast of New Holland ;
- The voyage of Captain Abel Jansen Tasman for the discovery of southern countries.

Callander :—*Terra Australis Cognita* ; or, *Voyages to the Terra Australis, or Southern Hemisphere, during the Sixteenth, Seventeenth, and Eighteenth Centuries.* Containing, &c.

8vo., 3 vols. Edinburgh, 1766–8.

This work was an English translation of de Brosse, with additions. At the end of the third volume (pp. 715–745) there is a chapter—"Of the method of forming Colonies in the Terra Australis, and the Advantages that may be expected to result to Great Britain from such Establishments in that Hemisphere."

The writer, following de Brosse, advised the settlement of New Britain in Australasia, as being the most advantageous situation with respect to the countries where commerce was already established. Another advantage, he added, "that distinguishes it, is the climate, as lying not far from the Equator, where (according to Dampier) we may always expect to find more materials for commerce than in higher latitudes. Van Diemen's Land and New Zealand lie far to the south and are little known. The coasts of New Holland are of very difficult access, and the parts that lie next the South Sea absolutely naked and barren. Carpentaria labours under the same disadvantage. None of these places ever appear fit for the first attempts, though they may be settled afterwards, and perhaps to advantage. . . . Both Roggewein and Dampier agree in giving preference to New Britain. The ingenious French editor of the *Voyages aux Terres Australes*, tome 2, p. 383, thinks there is no place so proper as this to fix on. He proposes to settle it by sending three ships from Pondicherry." (pp. 742–43.)

From this time forward voyages were made for the sake of science rather than plunder. In 1764–68, three expeditions—including vessels under the command of Byron, Wallis, Carteret, and Cook—were sent to the South Sea.

Alexander Dalrymple, who had been in the East India Company's service, and had returned home to advocate Southern discoveries, hoped to receive the command of the expedition sent out under Cook, the object of which was primarily to observe the transit of Venus in the island of Otaheite. He published—

An Account of the Discoveries made in the South Pacific Ocean previous to 1764.

Part I, 8vo., pp. xxxi, 103, with charts. London, 1767.

Historical Collection of the several Voyages and Discoveries in the South Pacific Ocean, with maps. Translated into French and German. 2 vols., 4to. London, 1770–71.

To the three divisions of de Brosse, Dalrymple added a fourth—AUSTRALIA—thus reviving a name used before, but which had lapsed for more than a century.

Cook:—A Journal of a Voyage Round the World in H.M.S. *Bibliothèque* Endeavour, in the Years 1768, 1769, 1770, and 1771. Containing *graphy*. all the various occurrences of the voyage, with descriptions, &c.

4to., pp. ii, 130. London, 1771.

This work contained a short account of Cook's voyage in the Endeavour. The publisher in his dedication expressed his conviction that "it is the production of a gentleman and a scholar who made the voyage."

„ —An account of the Voyages undertaken by the order of his Present Majesty for making Discoveries in the Southern Hemisphere, and successively performed by Commodore Byron, Captain Wallis, Captain Carteret, and Captain Cook in the *Dolphin*, *Swallow*, and the *Endeavour*. Drawn up from the Journals which were kept by the several Commanders, and from the Papers of Joseph Banks, Esq. By John Hawkesworth, LL.D.

4to., 3 vols. London, 1773.

"The Run from New Zealand to Botany Bay" will be found in vol. iii, pp. 481–649.

Forster:—A Voyage Round the World in H.B.M. sloop *Resolution*, commanded by Capt. James Cook, during the years 1772, 3, 4, and 5. By George Forster, F.R.S.

4to., 2 vols. London, 1777.

The author was the son of John Reinold Forster, who accompanied Captain Cook as naturalist on the voyage. In his preface the author mentions that his father had published the "first specimen of his labours" in a work entitled—*Characteres Generum Plantarum quas in Insulis Maris Australis colleg.*, &c.

4to. Lond., 1776.

Another work by the same author was published in 1778 under the title—*Observations made during a Voyage Round the World on Physical Geography, Natural History, and Ethic Philosophy*, by John Reinold Forster, LL.D., &c.

4to. London, 1778.

The great field for colonisation in the southern part of the world foretold by Quiros—long forgotten, but afterwards revived by the works of de Brosse and Dalrymple—was made manifest by Cook's voyage. He had discovered the insularity of New Zealand, and sailed along the east coast of New Holland. The advantages which had thus been secured for Great Britain were emphasised in—

Political Essays concerning the Present State of the British Empire.

4to., pp. 3, 463, 464. London, 1772.

This may be considered the last word of the advocates of Australian colonisation, prior to the Expedition under Governor Phillip. In 1776 the Declaration of Independence by the Thirteen Colonies of North America stopped the transportation of English

Bibliography.

criminals there, and loyal colonists began to seek new settlements. Some removed to Canada and Nova Scotia; others thought of emigrating to the Southern Continent.

JAMES MARIA MATRA, of Frome, proposed to the Home Government that New South Wales should be set apart for their reception, where they might repair their broken fortunes. August, 1783.

SIR GEORGE YOUNG, R.N., submitted another plan in January, 1785, which was printed. Folio, pp. 4. London, 1785.

A fac-simile of this pamphlet was published by Messrs. Angus and Robertson, of Sydney, booksellers, in 1888.

These schemes were duly entertained, and resulted in a determination on the part of the Government to utilise New South Wales as a penal settlement. The plan met with considerable opposition. John Howard considered the "Botany Bay scheme expensive, dangerous, and destructive." Others advised the establishment of penal colonies nearer home, or in smaller islands in mid-ocean, such as that of Tristan D'Acunha.

A Serious Admonition to the Publick on the intended Thief Colony at Botany Bay. [By Alex. Dalrymple, Hydrographer to the Admiralty.] 8vo., pp. 52. London, 1786.

Dalrymple recommended the island of Tristan D'Acunha as more suitable for a penal colony than Botany Bay. The pamphlet (written in September and October, 1786) includes a letter (dated July, 1785) addressed by the author to the Directors of the East India Company, advising them against a project for settling Norfolk Island, which was then within the limits of the Company's Charter.

Marion:—*Nouveau Voyage à la mer du Sud, commencé sous les ordres de M. Marion et achevé sous ceux de M. Duclesmeur; on y a joint un extrait de celui de M. de Surville dans les mêmes passages.* 8vo., charts and plates. Paris, 1783.

Parkinson:—*A Journal of a Voyage to the South Seas in H.M.S. Endeavour; faithfully transcribed from the papers of the late Sydney Parkinson, draughtsman to Sir Joseph Banks, Bart., in his Expedition with Dr. Solander round the World; and embellished with twenty-nine views and designs, engraved by capital artists.* 4to., pp. xxiii, 353. London, 1784.

Histories:—The determination of the Government to colonise New South Wales led to the publication of several works on the history of New Holland. Among them are:—

An Historical Narrative of the Discovery of New Holland and New South Wales, containing an account of the inhabitants, soil, animals, and other productions of those countries; and including a particular description of Botany Bay. With chart. 8vo., pp. 54. London, 1786.

Another edition. 4to., pp. 36.

Copious Remarks on the Discovery of New South Wales ; with **Biblio-**
 a Circumstantial Description of Botany Bay, and the Islands, **graphy.**
 Bays, and Harbours, &c., lying near it : with enlarged observa-
 tions on the natural productions, and the Face of the Country.
 To which are added, Prefatory Observations [By the Right
 Honourable Wm. Eden] on Transportation, &c.

8vo., pp. iv, 52. London, 1787.

The History of New Holland, from its first discovery in 1616
 to the present Time, with a particular account of its Produce and
 Inhabitants, and a Description of Botany Bay ; also a list of the
 Naval, Marine, Military, and Civil Establishments. To which is
 prefixed an Introductory Discourse on Banishment. By the Right
 Hon. William Eden [First Baron Auckland], with two charts.

8vo., pp. xxiv, 254. London, 1787.

Second edition (re-written and enlarged).

8vo., pp. xxxv, 254. London, 1787.

An abridged edition of this work is added to the second and
 third editions of Phillip's Voyage.

Twenty-one years afterwards this work was issued with a new
 title-page:—

The History of New Holland, &c. With a discourse on Banish-
 ment by the Right Hon. William Eden. By George Barrington :—
 The Second Edition, Illustrated with Maps. London : Printed
 for John Stockdale, Piccadilly. Price, 6s. 1808.

It is perhaps needless to note that Barrington had no more to
 do with this than with other works bearing his name.

The History of Botany Bay in New Holland, containing a full
 account of the Inhabitants, Description of the Soil and Produce of
 the Bay—of the Animals, Fish, and Fowl—to which is added the
 number and equipment of the fleet sailed there and the Nature of
 the Establishment, with which it is to commence, and the Regular
 Government of the Colony. Likewise the names of the respective
 Governors, &c., Names of the Ships, and Number of Convicts
 embark'd on board each ship.

12mo., pp. 24. Printed by L. Naylor. Bristol [1787].

PROPOSALS for Employing Convicts within this Kingdom, instead
 of sending them to Botany Bay, &c., by G——. R——.

8vo., pp. iii, 70. London, 1787.

GESCHICHTE oder Beschreibung der Botany Bay, und der Ein-
 wohner von Südwallis. [With seven coloured and one large
 engraving.]

GESCHICHTE DER HINCKEN DE BOTT. 4to. [1788].

An Authentic Journal of the Expedition under Commodore
 Phillips to Botany Bay, with an account of the Settlement made at
 Port Jackson; and a description of the inhabitants, &c. With

**Biblio-
graphy.**

copies of letters from Captain Tench and others, and a List of the Civil and Military Establishments. To which is added an Authentic Narrative of the Discovery of New Holland or New South Wales. By an Officer. With chart. 8vo., pp. 40 and [an Historical Narrative, &c. See above] pp. 54. London, 1789.

The History of Botany Bay in New Holland, containing a full account of the inhabitants, &c. 12mo., pp. 23. Bristol, n.d.

Apparently published shortly after the sailing of the First Fleet.

Tench:—A Narrative of the Expedition to Botany Bay; with an Account of New South Wales, its Productions, Inhabitants, &c. To which is subjoined a list of the Civil and Military Establishments at Port Jackson. By Captain Watkin Tench, of the Marines.

8vo., pp. xii, 146. London, 1789.

Second edition.

8vo., pp. xii, 146. London, 1789.

Another edition.

8vo., pp. xii, 146. Dublin, 1789.

Third edition, with Postscript, dated Sydney Cove, 1st October, 1788, pp. xii, 148. London, 1789.

Dutch translation:—*Beschrijving van den Tocht naar Botany Baaij; van de oprechting der Engelsche Volkplanting aan Port Jackson*

8vo., pp. x, 212. Amsterdam, 1789.

French translation:—*Voyage à la Baie Botanique, par le Capitaine Watkin Tench, à laquelle on a ajouté le récit historique de la découverte de la Nouvelle Hollande & des différens Voyages qui y ont été faits par les Européens.*

12mo., pp. viii, 266. Paris, 1789.

Another French edition:—*Voyage à la Baie Botanique, à la Nouvelle Holland, et au nouveau pays de Galles Méridional, traduit de l'Anglais.*

12mo., pp. ix, 154. Maestricht, 1791.

Swedish translation:—pp. iv, 285.

Stockholm, 1797.

An Authentic and Interesting Narrative of the late Expedition to Botany Bay, as performed by Commodore Phillips and the Fleet of Seven Transports under his command: Containing a Circumstantial Account of their perillous voyage, Dissentions on Board, and Safe Arrival on the coast of New Holland: With particular descriptions of Jackson's Bay and Lord Howe's Island, the Reception they met with from the Natives, their Customs and Manners; Progress of the Settlement, and Laws and Government established for their further Improvement. Written by an officer just returned in the Prince of Wales Transport, who visited that spot with Captain Cook and Dr. Solander, in their celebrated voyages round the World. 8vo., pp. 43, and plate—"The Sirius and Supply in Jackson's Bay"; Price, Sixpence.

London, 1789.

Another edition.

12mo., pp. vi, 32. London, 1789.

Phillip :—The Voyage of Governor Phillip to Botany Bay, with **Bibliography.** an account of the Establishment of the Colonies of Port Jackson and Norfolk Island, compiled from authentic papers, which have been obtained from the several departments. To which are added the Journals of Lieutenants Shortland, Watts, Ball, and Captain Marshall, with an Account of their New Discoveries. With fifty-five plates. 4to., pp. xl, 298, lxxiv. London, 1789.

The work contains twenty plates of birds, ten of animals, four of fishes, two of natives, one of plants, one of weapons, also eight maps and charts, one vignette, five views, and three portraits. Some copies have the plates of natural history coloured.

Second edition, corrected and re-arranged, with an abridgment of The History of New Holland, and Lord Auckland's Discourse on Banishment.

4to., pp. xxiv, 258, clxxv, and plates; London, 1790.

Third edition, with twenty plates, roy. 8vo., pp. xxiv, 520; London, 1790.

Another edition, pp. xiv, viii, 352, lxxiv. Dublin, 1790.

Another edition :—The Voyage of Governor Phillip to Botany Bay, with an account of the Establishment of the Colonies of Port Jackson and Norfolk Island. Appendix to Cook's Voyages, Newcastle edition (2 vols.), 1790, pp. 871–976.

Another edition :—Pelham's Voyages, vol. i, p. 640.

Another edition [abridged] :—The Pocket Navigator series. 18mo., pp. 58, and plate. London [1807].

French translation :—Voyage Du Gouverneur Phillip à Botany Bay, avec une description de l'Etablissement des Colonies du Port Jackson et de l'île Norfolk, &c. 8vo., pp. 443. Paris, 1791.

German translation (abridged) :—Kommodore Phillip's Reise nach der Botany-Bai auf Neu-Holland.

12mo., pp. 86. Stuttgart, 1789.

German Translation :—Arthur Phillip's Reise nach der Botany Bay, aus dem Englischen von M. E. Sprengel.

8vo., pp. xiv, 264, map and illus. Hamburg, 1791.

Another German translation :—Phillip's Reise nach Neu Süd Wales.

2 vols., 12mo., pp. xvi, 224 : vi, 194. Nurnberg, 1791.

The plates of the preceding edition were issued separately :—

Abbildung einiger Landschaften von Neu Süd Wales nebst verschiedenen seiner Landesh bewohner und ihrem jezigen Beherrscher. [Eight plates from Phillip's Voyage, with descriptions] oblong 4to. Nurnberg, 1791.

Another German edition :—See Hunter.

Berlin, 1794.

Bibliography.

Callam:—A letter from Mr. James Callam, surgeon of his Majesty's ship Supply, to his brother, Mr. Alexander Callam, of East Smithfield, London; containing an account of a Voyage from the Cape of Good Hope to Botany Bay, &c. With a short description of the inhabitants, and settlement of the colony.

8vo., pp. 21. London, 1789.

This letter was published as a sixpenny pamphlet, and was noticed in the Monthly Review for December, 1789, as follows:—"Well enough for a private letter; but too crude and trivial for publication; especially after the variety of more important details which have appeared relative to this new and very singular attempt at colonization."

White:—Journal of a Voyage to New South Wales. With sixty-five plates of nondescript animals, birds, lizards, serpents, curious cones of trees, and other natural productions. By John White, Esq., Surgeon-General to the Settlement, &c.

4to., pp. xvi, 299. London, 1790.

The Journal is followed by an Appendix containing plates and letterpress illustrating the natural history of the country, and another containing a Diary of the Winds and Weather on the voyage.

Some copies have the plates of natural history coloured.

French Translation:—*Voyage à la Nouvelle Galles du Sud, à Botany Bay, au Port Jackson, en 1787-89, par John White, traduit, avec des notes critiques et philosophiques sur l'histoire naturelle et les moeurs, par Charles Pougens.*

8vo., pp. xii, 208; (Notes) 260. Paris, 1795.

Riou:—Journal of the Proceedings on Board H.M.S. Guardian, commanded by Lieutenant Riou, bound to Botany Bay, from Dec. 22, 1789, to 15th Jan., 1790, with copies of Lieutenant Riou's Letters.

8vo., pp. 45. London, 1790.

Phillip:—Extracts from Letters from Arthur Phillip, Esq., Governor of New South Wales, to Lord Sydney; to which is annexed a Description of Norfolk Island, by Philip Gidley King, Esq. An account of expenses incurred in transporting convicts to New South Wales.

4to., pp. 26. London, 1790.

—Copies and extracts from Letters from Governor Phillip, giving an account of the Nature and Fertility of the Land in and adjoining to any Settlement in New South Wales; and of the probability of raising any and what Provision thereon; and of the Behaviour and Employment of the Convicts sent there; and which have been received since the last account was laid before the House of Commons; to which are prefixed Copies and Extracts of Letters from the office of Secretary of State for the Home Department, bearing date since the last accounts relative to the Transportation of Convicts to New South Wales, and providing for the same.

4to., pp. iv, 127. London [1792].

Bligh:—A Narrative of the Mutiny on board H.M.S. *Bounty*, **Biblio-** and the Subsequent Voyage of Part of the Crew in the Ship's Boat **graphy.** from Tofoa, one of the Friendly Islands, to Timor. Written by Lieut. William Bligh. Illustrated with charts.

4to., pp. iv, 88. London, 1790.

„ —A Voyage to the South Sea, undertaken by command of his Majesty, for the purpose of conveying the Bread-fruit-tree to the West Indies in H.M.S. *Bounty*, commanded by Lieut. William Bligh. Including an account of the Mutiny, and the Subsequent Voyage of Part of the Crew in the Ship's Boat from Tofoa, one of the Friendly Islands, to Timor. With charts.

4to., pp. 264. London, 1792.

Bentham:—Panopticon, or the Inspection House ; containing the idea of a new principle of construction, applicable to any sort of establishment in which persons of any description are to be kept under inspection. By Jeremy Bentham, of Lincoln's Inn, Esq.

12mo., pp. 232. Dublin, 1791.

At page 225, Bentham points out the advantages of his plan as compared with transportation to New South Wales.

Mortimer:—Observations, &c., made during a Voyage in the brig *Mercury*. By Lieutenant Mortimer. London, 1791.

Captain Cox, in the brig *Mercury*, discovered Oyster Bay, on the east coast of Van Diemen's Land, in July, 1788.

Anon:—Discoveries of the French in 1768 and 1769 to the South-east of New Guinea. By M. —, formerly a captain in the French navy. Translated from the French. With charts.

4to., pp. xxiv, 323. London, 1791.

Johnson, Rev. Richard:—Address to the Inhabitants of New South Wales and Norfolk Island.

12mo., p. 74. London, 1792.

“The first Australian author,” according to Mr. Bonwick, *Curious Facts of Old Colonial Days*, p. 7—where the pamphlet is noticed.

Hamilton:—A Voyage Round the World in his Majesty's frigate *Pandora*, performed under the direction of Captain Edwards in the years 1790, 1791, and 1792. With the discoveries made in the South Sea ; and many distresses experienced by the crew from shipwreck and famine, in a voyage of eleven hundred miles in open boats between Endeavour Straits and the Island of Timor. By George Hamilton, late surgeon of the *Pandora*.

8vo., pp. 164. Berwick, 1793.

Smith:—A Specimen of the Botany of New Holland, by James Edward Smith, M.D., F.R.S. The figures by James Sowerby, F.L.S.

Vol. i, 4to., pp. viii, 38. London, 1793.

Bibliography.

The author states in his preface that the figures (which are hand-painted) were taken from coloured drawings made on the spot and communicated by Surgeon White, "along with a most copious and finely preserved collection of dried specimens, with which the drawings have in every case been carefully compared." The waratah is described as "the most magnificent plant which the prolific soil of New Holland affords."

Hunter:—An Historical Journal of the Transactions at Port Jackson and Norfolk Island, with the Discoveries made in New South Wales and the Southern Ocean since the Publication of Phillip's Voyage; including the Journals of Governors Phillip and King, and of Lieutenant Ball; and the Voyages from the First Sailing of the Sirius in 1787 to the Return of that Ship's Company to England in 1792. By John Hunter, Esq., Post-Captain, R.N. With seventeen maps, views, &c.

4to. London, 1793.

Another edition, abridged. 8vo., pp. xxiv, 17,525. London, 1793.

German Translation:—John Hunter's Reise nach Neu-Süd-wallis; Arthur Phillip's Tagebuch während eines Aufenthaltes eben daselbst; und Lieutenant King's Nachrichten von der Norfolk-Insel. Mit Anmerkungen von Professor J. R. Forster. 8vo., pp. 328, and maps. (Magazin von Reisebeschreibungen, vol. xi.) Berlin, 1794.

Hunter's Voyage occupies pp. 1–166.

Another German translation:—Hunter's Historische Nachrichten von den Merkwürdigsten Ereignissen auf Port-Jackson und der Norfolk's-Insel. Maps and plates.

8vo., 2 vols., pp. xxxiv, 480, xxiv, 576. Nurnberg, 1794.

Abbildung einiger Landschaften von Neu Süd Wales nebst verschiedenen seiner Bewohner. [Nine plates, from Captain John Hunter's Journal with descriptions.]

Obl. 4to. Nurnberg, 1794.

Swedish translation:—Johan Hunter's Resa til Nya Södra Wallis, åren 1787 af Capit. Tench och King, Samt Cap. Edwards, Resa, 1790, 1791, 1792. Sammandrag.

12mo., pp. iv, 283. Stockholm, 1797.

Tench:—A Complete Account of the Settlement at Port Jackson, in New South Wales, including an Accurate Description of the Situation of the Colony; of the Natives; and of its Natural Productions. Taken on the spot by Captain Watkin Tench of the Marines.

4to., pp. xvi, 212. London, 1793.

German translation:—Capitain Watkin Tench, Geschichte von Port Jackson in New Holland, von 1788 bis 1792. Nebst einer Beschreibung der Insel Norfolk mit ihrem Unbane in eben diesem Zeitraume. Aus dem Englischen.

Map, 8vo., pp. vi, 244. Hamburg, 1794.

Shaw:—Zoology of New Holland.

London, 1794. Bibliography.

Dr. George Shaw (1751–1813), the author of this work, was a popular lecturer in London on natural history, and assistant keeper of natural history in the British Museum. In his work on the Zoology of New Holland, he makes use of the name Australia on several occasions.

Watling:—Letters from an Exile at Botany Bay to his Aunt in Dumfries; giving a particular account of the Settlement of New South Wales, with the Manners and Customs of the Inhabitants. By Thomas Watling.

12mo., pp. iv, 128. Penrith, printed by Ann Bell [1794].

The writer, who styles himself "Principal Limner in New South Wales," was extremely anxious to deserve better of his country, and proposed, with due deference under the patronage of an Impartial Public, the execution of a Picturesque Description of that Colony in a highly finished Set of Drawings, done faithfully upon the Spots, in Mezzo, Aquatinta, or Water Colours.

Thompson:—Slavery and Famine, Punishments for Sedition; or, An Account of the Miseries and Starvation at Botany Bay, from the Journal of George Thompson, who sailed in the Royal Admiral, May, 1792. With some Preliminary Remarks by George Dyer, B.A.

8vo., pp. viii, 48 and 23. London, 1794.

Second edition:—Slavery and Famine, Punishments for Sedition; or, An Account of New South Wales, and of the Miserable State of the Convicts. By George Thompson. Including a Sketch of the Character of Thomas Fysche Palmer.

8vo., pp. viii, 48, 23. London, 1794.

Parker:—A voyage [to Sydney and] Round the World in the Gorgon man-of-war, Captain John Parker, performed and written by his widow, for the advantage of a numerous family.

8vo., pp. xxxii, 149. London, 1795.

The Gorgon carried Philip Gidley King, Lieutenant-Governor of Norfolk Island, and Mrs. King, Mr. Grimes, and others, to the new settlement at Port Jackson in 1791.

Barrington:—A Voyage to New South Wales, with a Description of the Country, the Manners, Customs, Religion, &c., of the Natives in the vicinity of Botany Bay. By George Barrington, now superintendent of the convicts at Parramatta. 8vo. Title and dedication, dated Parramatta, 1793.

4pp. and pp. 13–140. London, 1795.

Second and third editions. London, 1796.

Another edition. Roy. 8vo., pp. 32. London [Preston], 1795.

Another edition (a few paragraphs omitted at the end).

Cr. 8vo., pp. 48. Manchester [1795].

Bibliography.

Barrington:—Another edition. *A Voyage to Botany Bay, with a description of the country, &c.* By the celebrated George Barrington. 12mo., pp. 139, two plates. n.d.

Another edition. With Barrington's Life and Trial. 12mo., pp. 120. London [1795].

French translation:—*Voyage à Botany Bay, avec une Description du Pays, des Mœurs, des Coutumes, et de la Religion des Natifs.* Par le célèbre George Barrington. Traduit de l'Anglais, sur la troisième édition.

8vo., pp. xvi, 192. Paris. An vi. [1798].

The Voyage is merely a compilation from preceding works, especially those of Phillip and Tench.

„ —A Sequel to Barrington's Voyage to New South Wales, comprising an interesting Narrative of the Transactions and Behaviour of the Convicts; the Progress of the Colony; an Official Register of the Crimes, Trials, Sentences, and Executions that have taken place; likewise Authentic Anecdotes of the most Distinguished Characters and Notorious Convicts. By the celebrated George Barrington, Principal Superintendent of the Convicts. 8vo., pp. 116. London, 1800.

Another edition. 12mo., pp. viii, 94. London, 1801.

Barrington's History of New South Wales, including Botany Bay, &c. No. 1, to be continued weekly. By George Barrington, an Officer of the Peace, Parramatta. To be completed in twelve numbers, elegantly printed in octavo, illustrated with elegant engravings of views and customs, and subjects of Natural History, coloured from nature. "The proprietors beg leave to assure the public that nothing can impede the regular publication of the work, as the manuscript has all arrived, and the plates are in great forwardness."

The work was dedicated to his Majesty and duly completed in fourteen parts, with twenty coloured plates and engraved title, and afterwards issued in one volume with the following title:—

The History of New South Wales, including Botany Bay, Port Jackson, Parramatta, Sydney, and all its Dependencies: from its Foundation to the Present Time. By George Barrington.

8vo., pp. [xlii], 505. London, 1802.

Upon the conclusion of this work in parts, it was followed by a new edition, in twelve parts, of—

An Account of a Voyage to New South Wales. By George Barrington. To which is prefixed a Detail of his Life, Trials, Speeches, &c. With two letters, dated Parramatta, Nov., 1793, and March, 1802.

8vo., portrait, and 11 coloured plates. London, 1803.

Both volumes were reissued in 1810. Pages 467 to the end of the Voyage are rearranged, and include descriptions of several plates from the History, to which readers had been referred for accounts in the first edition. There is also a preface to the latest edition of the Voyage and an Account of Barrington's death, and of the property he left in the colony. To the new edition of the History a supplement is added, bringing that work down to 1809, with a new index, making altogether 548 pages.

Another edition of Barrington's Voyage, to which is added, his Life and Trial. 8vo., pp. iv, 184. New York, n.d.

These works were compiled in London. A comparison with the works of Collins and other writers of the time will discover their true origin. In an anonymous work on New South Wales [by G. Paterson] the writer says (pp. 390-391) that—"For a considerable time previous to his death, Barrington was in a state of insanity, brought about by his serious and sorrowful reflections on his former career of iniquity. He expressed a very considerable degree of displeasure, when he was in a state of sanity, at his name being affixed to a narrative which he knew only by report as being about to be published."

The celebrated Prologue, said to have been spoken at a performance in Sydney, 16th January, 1796, including the lines—

True patriots all, for be it understood,
We left our country for our country's good,

appeared in Barrington's History, edit. 1802 and 1810, pp. 151-153; but not in the earlier "Barrington" of 1800. The details of the performance, even to the names of the principal performers, are evidently taken from Collins (vol. i, pp. 448-449); but he says nothing about the Prologue.

Other works relating to Barrington :—

Memoirs of George Barrington, from his birth, in 1755, to his last conviction at the Old Bailey on Friday, the 17th of September, 1790. A new edition, greatly improved.

8vo., pp. 91. London, 1790.

These publications differ only in the title. The former contains, in addition, an heroic epistle from George Barrington, Esq., to Major Semple, on his sentence to transportation to the coast of New South Wales.

The Genuine Life and Trial of George Barrington, from his birth, in June, 1755, to the time of his Conviction in Old Bailey in September, 1790, for robbing Henry Hare Townsend, Esq., of his gold watch, seals, &c.

8vo., pp. 48. London, 1791.

The Life, the Times, and Adventures of George Barrington, the Celebrated Thief and Pickpocket. With engravings.

12mo., pp. 74. London [1839].

**Biblio-
graphy.**

George Barrington ; or, Life in London a Hundred Years ago. By the author of Edith the Captive. Malcolm J. Errym—i.e., Malcolm James Rymer.

Illustrated ; roy. 8vo., pp. ii, 171. London, 1872.

A New and Correct History of New Holland, with a Description of that Part of it called Botany Bay, and particularly Port Jackson, where the convicts from this country are sent and the British Settlement formed. Together with an Account of the Manners and Customs of the Inhabitants, and also of the Climate and Soil of that Country. Collected from Authentic Authors and Original Papers. By a Society of Gentlemen.

18mo., pp. 72 and frontispiece. Glasgow, 1796.

Palmer:—A Narrative of the Sufferings of T. F. Palmer and W. Skirving during a Voyage to New South Wales, 1794, on board the Surprise Transport. By the Rev. Thomas Fyshe Palmer, late of Queen's College, Cambridge. 8vo. pp. 74. Cambridge, 1797.

Second edition. With Copies of Letters to Gov. Hunter, dated October 14, 1795. 8vo., pp. 79. Cambridge, 1797.

Palmer, Skirving, and Muir were transported for sedition. A conspiracy to seize the ship was said to have been discovered on the voyage, and they were charged unjustly with having been the chief instigators in the plot. Disappointed in their appeal for an investigation into all the circumstances, their statements were published in this pamphlet. Muir afterwards escaped from Sydney to America.

A critical account of the trials may be found in the late Lord Cockburn's Examination of the Trials for Sedition which have hitherto occurred in Scotland, 1888, vol. i, pp. 145–292.

„ —[Letter from Thomas Fyshe Palmer]. Sydney, New South Wales, June 13, 1795. Folio, one page. [No place or date.]

Another letter from Palmer, dated from Sydney, August 14, 1797, was published in folio, pp. 2. [No date or place.]

A letter from Palmer, dated Sydney, September 15, 1795, was published in the appendix (No. xi) to the Memoirs of the late Rev. Theophilus Lindsey, London, 1877.

King:—MS. Journal of Commander Philip Gidley King, R.N., Lieutenant-Governor of Norfolk Island from 1791 to 1796. Neatly copied, with Marginal Notes and Additions by the Governor's own hand. 4to., pp. 311.

The Journals of the first period of Lieut. King's Government, 1788–90, and of his Voyage to England, were printed as supplements to Hunter's Journal, pp. 287–448. 4to. London, 1793.

Vancouver:—A Voyage of Discovery to the North Pacific **Biblio-**
Ocean and Round the World, 1790–5. With atlas of plates and **graphy.**
maps in folio. 4to., 3 vols. London, 1798. —

A new edition, in six volumes, published in 1801.

French translation published in Paris, 1800.

Muir:—Histoire de la Tyrannie du Gouvernement Anglais
exercée envers le célèbre Thomas Muir, Ecossais ; Sa Dépor-
tation à Botany Bay, son Séjour dans cette ile, son Evasion, son
Séjour à Bordeaux, son Arrivée à Paris ; avec une Description de
Botany Bay, des Renseignemens acquis par Thomas Muir sur la
fin tragique du Voyage de La Pérouse, et une Notice sur le
Continent appelé Pays de Galles Méridional.

12mo., pp. 60. Paris, 1798.

The Life of Thomas Muir, who was Tried for Sedition and
Sentenced to Transportation for Fourteen Years, with a full
Report of his Trial. By Peter Mackenzie.

8vo., pp. xlv, 64. Glasgow, 1837.

Collins:—An Account of the English Colony in New South
Wales : with Remarks on the Dispositions, Customs, Manners, &c.,
of the Native Inhabitants, to which are added Some Particulars
of New Zealand, compiled by permission from the MSS. of Lie-
utenant-Governor King. By David Collins, Esq., late Judge-
Advocate and Secretary of the Colony. Illustrated by engravings.
4to., pp. xx-xxxviii, 619, two charts and twenty-two plates.

London, 1798.

Of the plates, eleven are views of Sydney Cove and the settle-
ments at Parramatta, &c. These were engraved after water-colour
drawings made by Edward Dayes, from a series of rough sketches
brought home from the colony.

„ —An Account of the English Colony in New South Wales,
from its First Settlement, in January, 1788, to August, 1801 :
to which are added, Some Particulars of New Zealand, &c., and
An Account of a Voyage performed by Captain Flinders and
Mr. Bass ; by which the existence of a strait separating Van Die-
man's Land from the Continent of New Holland was ascertained.
Abstracted from the Journal of Mr. Bass. By Lieutenant-Colonel
Collins, of the Royal Marines. Illustrated. Chart and nine
plates.

Vol. ii, 4to., pp. xvi, 336. London, 1802.

Some copies have the plates of Natural History coloured.

As to the authorship of this volume, see ante, p. 257.

„ —An Account of the English Colony in New South Wales.
Second edition [abridged and edited by Mrs. Maria Collins].

1 vol., 4to., pp. xx, 562, plates and portrait. London, 1804.

Bibliography.

On the title-page the author is styled Lieutenant-Governor of Port Phillip—an appointment he received while this abridgment was in preparation.

Duff:—A Missionary Voyage to the Southern Pacific Ocean, performed in the years 1796, 1797, 1798 in the ship *Duff*, commanded by Capt. James Wilson. Compiled from journals of the officers and the missionaries; and illustrated with maps, charts, and views, drawn by Mr. William Wilson, engraved by the most eminent artists. 8vo., pp. c, 420. London, 1799.

In the chart of the *Duff's* track in the Pacific Ocean, the countries included in that portion of the globe are divided into GREATER AUSTRALIA and LESSER AUSTRALIA, the former including New Holland. These titles are explained at p. 88 of the preface as follows:—

On the general chart that describes Captain Wilson's track, those countries of the Pacific Ocean, which lie within or southward of the tropics, are comprehended under the general name of AUSTRALIA, after the example of foreign geographers. As they appear to be divided into two distinct races of inhabitants, one of which almost wholly possesses the more extensive countries situated in the south-western part of the ocean, these are distinguished from the rest by the title of the *Greater Australia*; the numerous small islands inhabited by the fairer race being included under that of *Lesser Australia*.

La Pérouse:—Voyage de la Pérouse autour du monde. Rédigé par M. La A. Milet-Mureau, Général de Brigade.

2 vols., 4to., with atlas. London, 1799.

English Translation:—A Voyage Round the World, performed in the years 1785, 1786, 1787, and 1788, by the Boussole and Astrolabe, under the command of J. F. G. de la Pérouse.

2 vols., 4to. London, 1799.

La Pérouse's notes of the run from Tongataboo to Norfolk Island and Botany Bay will be found at page 174, vol. ii, of the translation.

D'Entrecasteaux:—See Labillardière and Rossel.

Labillardière:—Relation du Voyage à la Recherche de la Pérouse. Par le Citoyen Labillardière.

4to., 2 vols., with folio atlas. Paris, 1800.

„ —Voyage in search of La Pérouse, 1791–94. Translated from the French. 8vo., 1 vol., plates. London, 1800.

„ —Novæ Hollandiæ Plantarum Specimen.

4to., 2 vols. London, 1803.

Pennant:—Outlines of the Globe. [By Thomas Pennant.]

4 vols., 4to. London, 1798–1800.

The fourth volume contains an account of New Holland, which the author introduces with the following remarks:—"Little history is to be expected of the land I now visit; brief accounts of the various discoverers is all that can be given till we arrive on the eastern coast, which the

unfortunate acquaintance with in 1770 has peopled with the profligate out-casts of our country, cruelly redeemed from the gibbet to undergo a graphical ^{Bibli-} graphy. ^{ography.} lingering life of nakedness and famine in this most distant land."

Hunter :—Biographical Memoirs of Captain John Hunter, late Governor of New South Wales. With portrait.

Naval Chronicle. Vol. vi, pp. 349–367. London, 1801.

Pinkerton :—Modern Geography. A Description of the Empires, Kingdoms, States, and Colonies; with the Oceans, Seas, and Isles; in all Parts of the World: Including the most Recent Discoveries, and Political Alterations. Digested on a New Plan. By John Pinkerton. With Numerous Maps.

4to., 2 vols. London, 1802.

The map of New Holland, at p. 467 of vol. ii, represents the southern coast from "King George III Harbour" to Western Port, as a blank.

The opinions of contemporary geographers with respect to New Holland are stated as follows :—

Some suppose that this extensive region, when more thoroughly investigated, will be found to consist of two, three, or more vast islands, intersected by narrow seas; an idea which probably arises from the discovery that New Zealand consists of two islands, and that other new straits have been found to divide lands in this quarter, formerly supposed to be continuous.

Pinkerton suggested *NOTASIA* as a better name than New Holland :—

While the term *Australasia* may be justly applied to what is called New Holland and the circumjacent lands, the name of that large island itself, so absurdly joined with New South Wales, might perhaps be aptly exchanged for that of *Notasia*—from the Greek word *Notos*, the South; vol. ii, pp. 433–4.

His definition of the boundaries of *Australasia*, from the geographer's point of view, includes the following territories :—

1. *Notasia*, or New Holland, with any isles in the adjacent Indian Ocean twenty degrees to the west, and between twenty and thirty degrees to the east,—particularly

2. Papua, or New Guinea;
3. New Britain and New Ireland, with the Solomon Isles;
4. New Caledonia and the New Hebrides;
5. New Zealand;
6. Van Diemen's Land.

The southern boundary of *Australasia* "extends to latitude 50° or even 60°, where the islands of ice begin to appear": vol. ii, pp. 466–7. The boundaries to the north and east are also defined, but at too great length for quotation.

Howe :—General Standing Orders: selected from the General Orders issued by former Governors. From the 11th of February, 1791, to the 6th of September, 1800. Also, General Orders

Bibliography.

issued by Governor King, from the 30th of September, 1800, to the 30th of September, 1802.

Sydney, printed at Government Press, 1802.

Howe:—Continuation of General Orders from the 30th September, 1802, to the 13th August, 1806. Part II, small 4to., pp. iv, 206. Sydney. Printed at Government Press, 1806.

Appendix to New South Wales General Orders: containing Orders omitted under their respective dates [from March 17, 1804, to August 2, 1806]. Small 4to., pp. 17.

These Orders are bound up in one volume with the Continuation and Appendix issued in 1806. Inside the cover of a copy now in the British Museum is written:—

“First book ever printed in Sydney, and believed to be the only copy extant and complete.”

A broad-arrow, stamped upon the cover, indicates that it was an official copy.

Small 4to., pp. xii, 122.

Blake:—View of the Town of Sydney, in the colony of New South Wales. Taken from the rising ground near the Court-house, on the west side of the cove. Dedicated to Captain John Hunter, late Governor, by W. S. Blake.

Mezzotint. London, 1802.

Dayes:—View of Sydney Cove, New South Wales. From an original picture in the possession of Isaac Clementson, Esq. Drawn by Edward Dayes, from a picture painted at the colony: engraved by F. Jukes.

London, 1804.

Some copies of this engraving are coloured.

Anon:—A Concise History of the English Colony in New South Wales from January, 1788, to May, 1803, describing the Wandering Unfortunate Natives of that Antipodean Territory, with some Cursory Remarks on Convicts and Free Settlers. Also Tables of Provisions, &c., allowed to Settlers and Convicts by Government. 8vo., pp. ii and xvi. History of the Natives of New South Wales, pp. 40.

London, 1804.

Tuckey:—An Account of a Voyage to establish a Colony at Port Phillip in Bass's Strait, on the south coast of New South Wales, in his Majesty's ship *Calcutta*, in the years 1802–3–4. By J. H. Tuckey, Esq., First Lieutenant of the *Calcutta*.

8vo., pp. 239. London, 1805.

Turnbull:—A Voyage Round the World in the years 1800, 1801, 1802, 1803, and 1804; in which the Author visited the Principal Islands in the Pacific Ocean, and the English Settlements of Port Jackson and Norfolk Island. By John Turnbull.

3 vols., 12mo. London, 1805.

The author visited New South Wales twice during his voyage (in 1801 and 1803), staying in Sydney on both occasions several months. His account of the colony occupies pp. 39–125, of vol. i, and pp. 130–204, of vol. iii.

A second edition, re-arranged, in which the history of the colony **Biblio-** was continued to the year of publication, appeared in 1813, in **graphy.** 4to., pp. xvi, 516. The matter referring to New South Wales occupies pp. 67-101; 402-467. An abstract of Péron's account of the colony, as recorded in his voyage, is given in an appendix.

Péron:—Voyage de Découvertes aux Terres Australes exécuté par ordre de sa Majesté l'Empereur et Roi, sur les corvettes le *Géographe*, le *Naturaliste*, et la Goëlette le *Casuarina*, Pendant les Années 1800, 1801, 1802, 1803, et 1804. Publié par Décret Impérial, et Rédigé par M. F. Péron, Naturaliste de l'Expedition, Tome Premier. 4to., pp. xv, 496. Paris, 1807.

The second volume was published in 1816, Péron having died in the interval. His work was continued by Freycinet, who was in command of the *Casuarina*.

Péron's description of Sydney and the neighbouring country appears at p. 368 of vol. i.

The Atlas, published in a separate volume, contains many fine charts and drawings made during the expedition. Plates xxxvii and xxxviii contain two sketches of Sydney as it appeared in 1803—very finely drawn and engraved.

Smith, Sydney:—Review of vol. ii of Collins's Account of the English Colony of New South Wales. This article appeared in the Edinburgh Review for April, 1803.

An article by the same author on Botany Bay was published in the Review for July, 1819, pp. 28-48. It was founded on the publications of O'Hara, Bennet, and Wentworth.

Macarthur:—Statement of the Introduction and Progress of the Breed of Fine-woolled Sheep in New South Wales, delivered at the Right Hon. Lord Hobart's Office, 26th July, 1803. By John Macarthur.

This statement may be seen in Bischoff, Comprehensive History of the Woollen and Worsted Manufactures, and the Natural and Commercial History of Sheep, vol. i, pp. 366-369. It is referred to in Péron's Voyage, vol. i, p. 401.

Howe:—The Sydney Gazette and New South Wales Advertiser. "We hope to prosper thus." Published by authority.

The first number was published 5 March, 1803. This was the first publication in the shape of a newspaper which made its appearance in Sydney. It was printed, published, and edited by George Howe, for the Government.

Grant:—The Narrative of a Voyage of Discovery performed in his Majesty's Vessel The Lady Nelson, of sixty tons burthen,

**Biblio-
graphy.**

with sliding keels, in the years 1800, 1801, and 1802, to New South Wales. By James Grant, Lieutenant in the Royal Navy. Illustrated. 4to., pp. xxvi, 195. London, 1801.

Burney:—A Chronological History of the Discoveries in the South Sea or Pacific Ocean. Illustrated with charts. By James Burney, Captain in the Royal Navy.

4 vols., 4to. London, 1803–1816.

The first volume contains an inquiry concerning the earliest discovery of New Holland, pp. 377–383.

The chart prefixed shows the outline of *Terra Australis Nondum Cognita*, as it was supposed to be previous to 1579.

The second volume contains several chapters relating to discoveries in the South Sea :—

c. xvi : Preliminary to the Discoveries of de Quiros.

c. xvii : Voyage of de Quiros.

c. xxi : First Certain Knowledge Obtained of the Great Terra Australis.

The appendix contains—

I. Relation of de Torres concerning the discoveries of Quiros as his Almirante, dated Manila, July 12th, 1607.

II. Information collected from the natives of islands in the South Sea by de Quiros in 1606, and inserted by him in his memorials, concerning undiscovered lands situated in the neighbourhood of the Australia del Espiritu Santo.

The chart prefixed shews the discoveries of de Quiros under the name Australia del Espiritu Santo.

The fourth volume contains :—

c. vii : Voyage of Captain William Dampier, in the *Roebuck*, to New Holland and New Guinea.

c. ix : Voyages of the Dutch for the further discovery of New Holland and New Guinea.

c. xii : Plan for a Voyage of Discovery to the Terra Australis, proposed by John Welbe. [Ante, p. 568.]

Howe:—New South Wales Pocket Almanack and Colonial Remembrancer for the year of our Lord and Saviour 1806.

12mo., pp. 58. Sydney, 1806.

Contains, in addition to the tables of months, Observations on Gardens, Agriculture, and Sheep; Chronology of Many Local Occurrences, Remarkable and Interesting; Arrival and Final Departure of Vessels at Port Jackson; Abridgment of General Orders; and a General List of Officers, Civil and Military.

Anon:—An account of the English colony at Botany Bay, and other settlements in New South Wales, from their establishment to the present time; with remarks on the manners, customs, disposi-

tions, &c., of the natives, interspersed with anecdotes of the Biblio-
convicts and free settlers, their treatment, conduct, &c.; with some graphy.
particulars of the exiled delegates. By a gentleman just returned
from the settlement, who held an official situation there.

12mo., pp. iv, 80. London, 1808.

Bond:—A Brief Account of the Colony of Port Jackson, in
New South Wales, its Native Inhabitants, Productions, &c. With
an Interesting Account of the Murder of Mr. Clode, as communi-
cated by the Reverend Richard Johnstone, late Chaplain of the
Colony. By G. Bond, late Lieutenant of Marines and Ensign,
New South Wales Corps.

8vo., pp. 18. [n.d.]

Fourth edition.

pp. 24. Oxford, 1806.

Fifth edition.

8vo., pp. 24. London, 1809.

Sixth edition.

Dublin [1810?].

Rossel:—Voyage de D'Entrecasteaux. Redigé par M. de Rossel.

4to., 2 vols. Paris, 1808.

Hodges:—Portfolio of Sketches by William Hodges and James
Webber (who accompanied Captain Cook on his voyages), and a
series of water-colour drawings, by Edward Dayes and other artists,
of scenes in New South Wales and Norfolk Island—1770–1808.

Two studies by Hodges: Heads of Australian Aborigines, in oil, on sail-
cloth. When the ship was stranded, the artist's materials were destroyed,
and his canvases lost, so that he was obliged to use a piece of sail-cloth to
paint upon.

Pencil figures of South Sea Islanders, Hodges.

Two studies by Hodges. Pen and ink sketches of New Caledonians.
(See plate xxxix, Cook's Second Voyage.)

Pencilled sketch: Head of a New Zealand Chief (tattooed), from life, by
Webber.

Kamschatka Family, by Daniel.

Australian scene; Aboriginal and his Wife, by J. W. Lewin, 1808.

Water-colour drawings, by Edward Dayes. This collection of
sketches, which includes those drawn for Collins's Account of the
Colony, is now the possession of S. W. Silver, Esq., 3, York Gate,
Regent's Park, London.

Neu Holland:—Nach den besten Quellen geschildert.

8vo. Crefeld, 1810.

Eyre:—[Views in] New South Wales. Two large coloured
Panoramic Views of Sydney, drawn by [the Rev.] John Eyre, and
engraved by Clark.

London, 1st June, 1810.

1. View of Sydney, from the West Side of the Cove.

2. View of Sydney, from the East Side of the Cove.

Subsequently produced with Mann's New South Wales, 1811.

Shortland:—Memoir of the Public Services of the late Captain
John Shortland, R.N., with Portrait.—Naval Chronicle, vol. xxiv,
pp. 1–21.

London, 1810.

**Biblio-
graphy.**

Née:—Visite des Espagnols à la Nouvelle Galles Méridionale (1793), par Don Luis Née.

Annales des Voyages, vol. x, pp. 340–355. Paris, 1810.

Fragment of the Voyage (unpublished) of the Descubierta and Atrevida, under the command of Don Alexandro Malaspina and Don José de Bustamente y Guerra; Collins, Account of the Colony, vol. 1, pp. 273, 278.

Zimmerman, E. A. W. von:—Australien . . . Darstellung des Grossen Oceans, 1810.

Paterson:—The History of New South Wales . . . to the Present time, comprising an Accurate and interesting Description of that Vast Country, and of the Persons, Manners and Customs of the Natives, with a succinct detail of the Establishment and progress of the English colony; including every important particular relative to the situation and conduct of the Convicts. To which is added a description of Van Diemen's Land and Norfolk Island; with reflections on the Importance of the Southern Continent. Compiled from the Best and most Recent Authorities. By a Literary Gentleman. 8vo., pp. vi, 624. Map and four engravings. Newcastle-upon-Tyne [1811].

Re-issued, with new title-page [containing compiler's name]; History of New South Wales, &c., by G. Paterson, M.A. [no date].

This work was compiled from preceding publications—Tench, Phillip's Voyage, Hunter, Collins, Labillardiere's Voyage, Tuckey's Port Phillip—with plentiful extracts from the Trial of Colonel Johnston for deposing Governor Bligh.

Johnston:—Proceedings of a General Court-martial held at Chelsea Hospital, which commenced on Tuesday, May 7, 1811, and continued to Wednesday, 5th of June following, for the Trial of Lieut.-Col. Geo. Johnston, Major of the 102nd Regiment, late the New South Wales Corps, on a Charge of Mutiny, for deposing on the 26th of January, 1808, William Bligh, Esq., Captain-General and Governor-in-Chief of New South Wales.

Taken in shorthand by Mr. Bartrum, of Clements' Inn, who attended on behalf of Governor Bligh, by permission of the Court. 8vo., pp. 484. London, 1811.

Mann:—The Present Picture of New South Wales, illustrated with four large coloured views, from drawings taken on the spot, of Sydney, the seat of Government. With a plan of the colony taken from actual survey by public authority. Including present state of Agriculture and Trade, Prices of Provisions and Labour, Internal Regulations, State of Society and Manners, late Discoveries in Natural History, and other Interesting Subjects, with Hints for the further Improvement of the Settlement. By D. D. Mann, many years resident in several official situations.

The four large coloured plates were drawn by John Eyre, and published in 1870. They have been recently reproduced in chromo-lithography, with letterpress description, 4to, pp. 6, and republished by William Dymock, Sydney. [Edinburgh, litho'd] 1884. Bibliography.

- 1, 3.—View of Sydney, from the East side of the Cove, two plates.
- 2, 4.—Sydney, from the West side of the Cove, two plates.

Anon:—Fragments for a Future History of Botany Bay, or New South Wales. 8vo., pp. xiii, 323. London, 1812.

The essays and fragments collected in this volume were gathered together by a commercial gentleman, whose business relations brought him into connection with travellers, merchants, and ship-owners.

The essays having reference to New South Wales are :—

1. Remarks on reading in Phillip's Collection (June, 1810), a French Voyage to New South Wales [on floods in the Hawkesbury, &c.].
2. Present State of the Colony in New South Wales, related to me, February 14th, 1805, by the Rev. Mr. Marsden, the Chaplain—pp. 180–186.
3. Copy of a letter, dated Sydney, May, 23, 1805, received October 10th, 1805—half a year!—from an officer's wife, Mrs. Hartley, to her sister in Beverley, Mrs. —, pp. 186–188.

This is the letter referred to by West, History of Tasmania, vol. i, p. 30, and by Bonwick, Port Phillip Settlement, p. 79. Much to Mrs. Hartley's regret, Lieutenant-Governor Collins settled his colony at the river Derwent, in Van Diemen's Land, in preference to Port Phillip. "My pen," she writes, "is not able to describe half the beauties of that delightful spot. Port Phillip is my favourite, and has my warmest wishes. During the time we were there (three months) I never felt one ache or pain, and I parted from it with more regret than I did from my native land."

4. Occurrences of the year 1798. September 14. A letter; pp. 188–191.

5. From a letter in 1796 or 7; p. 192.

6. From an officer, Captain Bertram, who passed two days on board a convict ship about 1800; pp. 193–196.

4to., pp. vi, 99. London, 1811.

Pinkerton:—A General Collection of the Best and Most Interesting Voyages and Travels in all parts of the world. By John Pinkerton. Illustrated with plates.

4to., 12 vols. London, 1812.

Volume xi contains Pelsart's Voyage to Australasia (from Calander's translation of De Brosses), Tasman's Voyage (from Harris, vol. i, p. 325), Dampier's Account of New Holland, Captain Cook's Voyages, and Péron's Voyage.

Phillip:—Biographical Memoir of Arthur Phillip, Esq., Vice-Admiral of the Red. With portrait.—Naval Chronicle, vol. xxvii, pp. 1–9. London, 1812.

**Biblio-
graphy.**

West:—January 1st, 1813. Publication, Dedicated (by permission) to his Excellency Lachlan Macquarie, Esq., Governor of New South Wales, &c., &c.

A. West most respectfully begs leave to acquaint his friends and the public that his select collection of beautiful views in New South Wales are now ready for delivery. The size of the plates are 12 in. by 18. Subjects as follow :—

1. Botany Bay Harbour, with a view of the Heads, taken from Cook's Point.
2. Port Jackson Harbour, with a distant view of the Blue Mountains, taken from South Head.
3. First Part View of the town of Sydney, taken from Bennelong's Point.
4. Second Part View of the town of Sydney, taken from Bennelong's Point.
5. Hunter's River, near Newcastle, taken from Prospect Hill.
6. Newcastle, with a distant view of Port Stephens, taken from Prospect Hill.
7. North Harbour, with a view of South Head, taken from Belmouth.
8. Native Camp, near Cockle Bay, with a view of Parramatta River, taken from Dawes' Point.
9. Third Part View of the town of Sydney, taken from Dawes' Point.
10. Fourth Part View of the town of Sydney, taken from Dawes' Point.
11. First Part View of the town of Parramatta, taken from the north side of the river.
12. Second Part View of the town of Parramatta, taken from the north side of the river.

Price of the Set, Three Pounds. To be had of the proprietor, A. West, Dawes's Point, Sydney.

Plates 1, 2, 3, 4, 7, 9, 10, and 11 are engraved by W. Preston, from Drawings by J. Eyre; Plates 5 and 6 engraved by Preston, from Drawings by J. R. Brown; Plates 8 and 12 are engraved by P. Slaeger, from Drawings by J. Eyre. The series was continued in 1814.

Clark:—Field sports, &c., &c., of the native inhabitants of New South Wales; with ten coloured plates by the Author [John Heaveside Clark]. Dedicated, by permission, to Rear-Admiral Bligh.

4to. [Title and Descriptive Text, 9 leaves.] London, 1813.

This work is also bound up as an appendix to another work :—Foreign Field Sports, Fisheries, Sporting Anecdotes, &c., &c. From Drawings by Messrs. Howitt, Atkinson, Clark, Manskvich, &c. With a Supplement of New South Wales. Containing 110 plates, coloured.

4to. [unpaged]. London, 1814.

Another edition. Royal 4to., pp. 168. Text and 110 plates coloured. London, 1819.

The ten plates composing the New South Wales section are :—Smoking out the Opossum, Hunting the Kangaroo, Throwing the Spear, Climbing Trees, Fishing (two plates), The Dance, Warriors of New South Wales, Trial. All are drawn by J. H. Clark, and engraved by M. Dubourg.

West:—September 12th, 1814. Publication, Dedicated (by Bible-permission) to his Excellency Lachlan Macquarie, Esquire, Governor of New South Wales, &c., &c.

A. West, Hunter-street, Sydney, most respectfully begs leave to acquaint his friends and the public in general that he has now ready for sale an extra collection of twelve beautiful views of New South Wales, in addition to the twelve already published, drawn and engraved by artists of superior abilities resident in this colony. The subjects are as follows:—

13. Woolloomoola House, near Sydney.
14. Ultimo House, near Sydney.
15. A view of part of the town of Parramatta, taken from the south side of the river.
16. A view of Shark's Bay, taken from Vinegar Hill.
17. First part view of the River of Sydney, taken from the Church yard of St. Phillip's, Sydney.
18. Second part view of the River of Sydney, taken from the Church yard of St. Phillip's, Sydney.
19. A view of the town of Windsor, on the River Hawkesbury.
20. A view of the banks of the River Hawkesbury.
21. A view of the native burial of Baggara, a native of New South Wales, with remarks thereon.
22. A view of the Blue Mountain Pheasant [Lyre Bird, *Menura superba*].
23. A view of Campbell and Co.'s Mercantile House, Sydney.
24. A view of the Red-house Farm, Windsor.

To be had of the proprietor, A. West, as above. Price of the set of 24 plates, nine pounds.

Plates 13, 14, 15, and 16 are engraved by Presston, from drawings by J. Eyre; plates 17 and 18 are without artists' or engravers' names; plates 19, 21, 22, 23, and 24 are drawn and engraved by Slæger; plate 20 is engraved by Presston, from an original painting by J. W. Lewin. The British Museum possesses a complete set of the twenty-four plates, the broadside "announcements," here reprinted, serving as title pages to the folio volumes in which they are bound.

Kittle:—A Concise History of the Colony and Natives of New South Wales. By Samuel Kittle.

12mo., pp. 252 and plate. Edinburgh, 1814.

Lindler, Dr. L.:—Der Funfte Welttheil, oder Australien, &c. 1814.

Flinders:—A Voyage to Terra Australis, undertaken for the purpose of completing the discovery of that vast country, and prosecuted in the years 1801, 1802, and 1803, in his Majesty's ship The Investigator, and subsequently in the armed vessel Porpoise, and Cumberland schooner. With an Account of the Shipwreck of the Porpoise, Arrival of the Cumberland at Mauritius, and Imprisonment of the Commander for Six Years and a Half in that Island. By Matthew Flinders, Commander of the Investigator. 4to., 2 vols., with Atlas. London, 1814.

Bibliography.

Flinders:—Biographical Memoir of Captain Matthew Flinders, R.N., with portrait.—*Naval Chronicle*, vol. xxxii, pp. 177–191.

London, 1814.

See also *Quarterly Review*, vol. xii, pp. 1–46. London, 1814.

Anon:—An Accurate List of the names of the landholders in the colony of New South Wales, pointing out the number of acres in each district as granted from the Crown. Corrected to 1813.

London . . . price 2s. 6d. the book, or 10s. 6d. with a coloured map of the colony. 8vo., pp. 55. Dec., 1814.

Vale, Rev. Benjamin:—Report of the Proceedings on a Trial by Court-martial of the Rev. Benjamin Vale. London, 1816.

O'Hara:—The History of New South Wales. Printed for the author. [James O'Hara.] 8vo., pp. xi, 469. London, 1817.

A second edition was published in 1818, each being anonymous. The work is a compilation from Collins' Account of the Colony and other authorities of the same kind. It contains extracts from the *Sydney Gazette*, 1806–1812 (pp. 255–388), and a Parliamentary Report on the Colony, issued in July, 1812.

McKonochie:—A summary view of the statistics and existing commerce of the principal shores of the Pacific Ocean. With the advantages which would result from the establishment of a central free port within its limits. By Captain McKonochie.

8vo., pp. xxii, 366, and map. London, 1818.

The description of New South Wales occupies pp. 153–189. The central free port in the Pacific should be fixed, according to the author, in the Sandwich Islands.

Walkenaer, C. A.:—*Le Monde Maritime d' Australie, &c.*, 1818.

Wallis:—Views in New South Wales—

First set: A Corrobora, or Native Dance, from Life; View of Sydney, from Dawes' Battery; Sydney, from the North Shore; Sydney, from Bennelong's Point; View on the Hawkesbury, near Windsor; View of Newcastle. Price, £3.

Second set: A View of Hunter's River; Dawes' Battery, from Anson's Point; View of Vacluse; the North and South Heads; Black Swans, with a view of Reid's Mistake; Pair of Kangaroos, with view from Seven-mile Hill, Newcastle. Price, 30s. Both lots, if taken together, £4.

Now published, and on sale at the Gazette Office (Sydney, January 9, 1819). These views were afterwards re-issued in a volume.

Vaux:—Memoirs of James Hardy Vaux. Written by Himself. 2 vols., 12mo., pp. xx, 247; vii, 227. London, 1819.

Vaux was twice transported to New South Wales, and this work gives Bibliominate accounts of his occupations and services under the public officials, graphy. Governor King, and others.

To the second volume (pp. 147-227) is added, "A New and Comprehensive Vocabulary of the Flash Language," compiled and written by Vaux, during a temporary banishment to Newcastle.

Another edition, without the Vocabulary, forming a volume of a series of "Autobiographies," bears the following title:—"Memoirs of James Hardy Vaux, a Swindler and Thief, now transported to New South Wales for the second time, and for life. Written by Himself."

18mo., pp. xxiv, 288. London, 1825.

Re-issued in 1827 and 1830; also, a large paper issue in 12mo.

In French:—*Confessions de James Hardy Vaux, gentilhomme voleur, escroc de Londres, déporté à la Nouvelle Galles du Sud, écrites par lui-même.*

Three articles in the *Revue de Paris*, by Philarète Chasles.

Bennet:—A letter to Viscount Sidmouth on the Transportation Laws, the state of the hulks, and of the colonies in New South Wales. By the Hon. Henry Grey Bennet, M.P., dated December 27, 1818. Postscript, January 29, 1819.

8vo., pp. 137. London, 1819.

A letter from the Rev. S. Marsden to Governor Macquarie, dated Parramatta, 19th July, 1815, is printed in an appendix, pp. 126-137.

„ —A letter to Earl Bathurst, Secretary of State for the Colonial Department, on the condition of the colonies in New South Wales and Van Diemen's Land, as set forth in the evidence taken before the Prison Committee in 1819. By the Hon. H. Grey Bennet, M.P. With Appendix. Letters from Rev. S. Marsden, &c.

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8vo., pp. xi, 466. London, 1819.

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A Map of the Settlements in New South Wales, prefixed to vol. ii of the third edition, marks the "Broken Bay of Captain Cook" some miles to the south of Broken Bay—corresponding with the latitude given by Cook, 33° 42'; Hawkesworth, vol. iii, p. 507.

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Bellinghauser:—Visit to Sydney, March-October, 1820.

Oxley:—Journals of Two Expeditions into the Interior of New South Wales, undertaken by order of the British Government in the years 1817-18. By John Oxley, Surveyor-General of the Territory and Lieutenant of the Royal Navy. With maps and views of the interior, or newly discovered country.

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„ —Parliamentary Return of the number of persons transported as convicts to New South Wales, from 1789 to 1794, ordered to be printed, 15th February, 1810.

„ —Report from the Select Committee of the House of Commons on Transportation [and upon the Affairs of New South Wales] ordered to be printed, July 10th, 1812.

Contents :—Formation and general description of the Colony, Trade, Administration of Justice, Religion, Morals and Education, Manner of Transportation, Selection, and Treatment in the Colony.

Appendix 29 and 30 contains a return of persons transported to New South Wales from 1795 to 1810. Similar returns for later periods were published in subsequent blue-books.

This report was reprinted by O'Hara in his *History of New South Wales*, 1817, pp. 389-425.

„ —Port Jackson, and a Description of Sydney Town. With Plate.—*Naval Chronicle*, vol. xxii, pp. 385-390, 477-481. London, 1809.

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ANALYTICAL INDEX.

Administration of Justice

- severity of punishment for stealing food, 207.
- reasons for, 208.
- distorted views of crime, 209.
- the result of surrounding circumstances, *ib.*
- illustrations, *ib.*
- the Civil and Criminal Courts, 211-18.
- trial by jury denied, 389.
- conceded, 390.
- military jury in Supreme Court, 390-2-4-5.
- Bigge's report, 391-2-7-8.
- colonists' petition for reform, 391.
- business in Judge-Advocate's Court, 392.
- practically a Court-martial, 101, 205, 399.
- Wentworth's opinion of the Court, 394.
- Chief Justice Forbes and trial by jury, 395.
- principles of the common law ignored, 395-7.
- secret deliberations, 397.
- Bigge's suggestion for improving practice, 398.
- first public trials, *ib.*
- historical parallel, 399.
- case of Mary Turner, 400-7.
- the six marines, 209, 400.
- question of interpretation as to the Act, 407-9.
- Act establishing the Criminal Court, 453.
- Letters Patent establishing the Courts, 531.

Africa

- penal settlement intended, 21-2, 73-4, 404-5.
- Burke's protest against, 491-2-3.
- appointed a place for transportation, 495.
- Pitt's statement, 493.
- results of transportation to, 423.
- Portuguese system, 439.

America

- transportation to, 16.
- commencement of the system, 16.
- extent to which it was carried, 16, 17, 458-9, 460.
- selling convicts, *ib.*, 15.
- estimates of number transported, 18, 19, 461-2.
- inquiries on the subject, and references, 19 n.
- convicts sent to colonies in British America, 21.
- disappearance of convict element, 19.
- sneers of magazine writers, 364 n.

America

- protest of American colonists, 556-8.
- no remonstrance from Burke, 585.
- evil effects of the system, 385.
- its origin, 387.

American Colonisation

- its history, *vil.*, 18, 445-9, 461, 466, 556.
- principles of colonisation adopted by United States, compared with English, 430a n.
- commissions to Governors, 487-9.

American Loyalists

- Matra's suggestion for settling them in New South Wales, 6, 424.
- Sir George Young's, 8, 480.
- rejected by Sydney, 10.
- claims for compensation, 370.
- their position at the close of the war, 375 n.
- emigrate to British America, 371.
- probable results if settled in New South Wales, 373-4.
- policy of the Government, 374-8.
- dispersion led to Matra's proposal, 375.
- his letter to the Government, 549.

Assignment

- system introduced, 15 and note, 483.
- recommended by Phillip, 143, 325, 341.

Australia

- authorship of the name, 86.
- credited to Flinders, *ib.*
- used by him in 1806, 84.
- by Dalrymple in 1770, 87.
- rejected by Flinders in favour of Terra Australis, 89.
- his charts, *ib.*
- received by Governor Macquarie, 92 n.
- hopes the name Australia will be used, *ib.*
- origin of the name, 90.
- first appearance in English, 90, 573.
- when it came into general use, 87 n, 92.
- not in use in Phillip's time, 92, 265 n.
- early instances of its use, 93 n.
- Sturt's idea, 88 n.

Ball

discovered Lord Howe Island, 170, 274.
sailed round New Holland, 170.

Banks

proposes colony at Botany Bay, xlv.
evidence before Committee, xlv, 8.
supports Matra's proposal, 3, 425.
suggests employment of Chinese, 6, 425.
Journal of the voyage with Cook, xl, xliii, 78.
colony originated with him, xlv, xlviii, 1, 78-9.
chaplain appointed at his instance, 56 n, 56.
collection of papers, 79 and note.
influence with the Government, li, 22 n, 78-9.
frequent appeals from colonists, 79.
instances selected from his papers, 79-84.
Rev. Samuel Marsden, 79.
Captain Wilson, 79-80.
Matthew Flinders, 80, 84.
William Bligh, lii, 81.
Mungo Park, 82-8.
urges exploration of Interior in 1798, 82.
by Mungo Park and Flinders, 82-8.
proposal not accepted by Government, 84.
confidence in the future of the colony, 85.
opinion of its climate and soil, ib.
inquires about the Stadt-house map, xxxiii.
obtains copy of Tasman's instructions, 88.
finds fault with King for frequent reprisals, 239.
botanical specimens from Sydney Cove, 280.
and from Norfolk Island, 356.
specimens of clay and minerals, 339, 340.
employs Wedgwood to analyse, 244, 340 n.
letter to Bligh, lii.
wants plants from Port Jackson, xlii.
receives letter from Westall, lxxiii.
Dr. Johnson's motto for his goat, lv.
biographical sketch, 471-4.

Bass's Straits

not shown on maps published in 1787, 93.
no straits, according to Furneaux, 174-6.
his opinion adopted by geographers, 176.
Cook's opinion, 175.
Hunter's, 183.
confirmed by Bass's exploration in 1797, 183.
reported to Home Office by Hunter, ib.

Batavia

voyage of the Supply, 170.
passage to England, 185, 193, 243, 252.
sending for supplies to, 313-4.
arrival of the Pandora's boats, 174.

Baudin

exploration of the southern coast, 33.
discoveries anticipated by Flinders, ib.

Bigge

report on judicial establishments, 391-2, 397-8.
appointment of Attorney-General, 392.
objects to trial by jury, ib.
practice in Judge-Advocate's Court, 397.
makes a suggestion for its improvement, 398.

Bligh

letter from Sir Joseph Banks, lii.
letters to, 81.
in Adventure Bay, 171.
in the Bounty's launch, ib.
in Torres' Straits, 172 and note.

Blue Mountains

Phillip's first view, 139, 288-9.
first attempt to reach them, ib.
seen from the Hawkesbury, 149, 150.
and named, 149.
Tench's descriptions of them, 153-5.
Dawes's expedition, 153-4.
Phillip's second attempt, 157.
discovery of passage over, 169.

Botany Bay

description in Hawkesworth, xl.
Banks proposes a colony, xlv.
origin of the expedition to, 8.
selected for penal settlement, 22, 432.
arrival of the First Fleet at, 267.
examined and abandoned by Phillip, 135, 267.
northern shore described by him, 279.
examined a second time, 144.
arrival of La Pérouse at, 32.
his departure, and opinion of the country, 33 n.
Tench's description of the French ships, 245.
Cook's meadows, xlii.
Péron's description of the country, 359.
descriptions by disappointed settlers, 503, 507.
its scenery, xl.

Bougainville

his expedition, 25, 603.

Broken Bay

Phillip's encounter with natives 123-4.
his account of it, 99, 235-6.
customs of the natives, 235-5.
Phillip's intention to steer for, 135 n, 268 n.
explored by him, 136-8, 144-7, 272-3.
mentioned by Cook, 136, 272.
surveyed by Hunter, 137.

Brosses

collection of voyages, xxvii, 87-8, 441, 575.
chart of Nouvelle Hollande, xxvii.
on board the Endeavour, ib.
translation by Callander, xxix.
thought Quiros discovered east coast, xxx.
did not confound New Holland with Terra Australis, xxxiv.
thought New Holland, New Guinea, and New Zealand separated by straits, xxxv.
doubt as to straits between New Holland and New Guinea, xxvii, xxviii.
Callander's interpolation in his text, ib.
originated the names Australasia, Polynesia, 57.
thought New Holland unfit for colonisation, lxiii-iv, lxiii.
New Zealand and Van Diemen's Land to remote for settlement, ib.

Burke

- silent on the colonisation of New South Wales, 73, 384.
- protest against transportation to Africa, 73-4.
- speech in Parliament, 401-3.
- indifferent to reform of criminal law, 233-5.
- on crime and punishment, 234.
- on the pillory, 234-5.
- on trial by jury, 390.
- on imprisonment for debt, 241.
- "the cries of India," lvi.
- "the fierce spirit of liberty," lvii.

Callander

- collection of voyages, xxv, xxix, xxx, 441, 570.
- on board the *Endeavour*, xxix.
- charts of New Holland, xxxiii.
- interpolation in text of de Brosses, xxxv.
- misapplication of the term *Terra Australis*, lb.

Cape Horn

- passage by, advocated by Hunter, 185.
- objected to by Phillip, 326.

Cape of Good Hope

- arrival of the First Fleet, 70.
- plants, seed, and live stock procured, 71-2.
- sending to the Cape for provisions, 182, 313.
- time occupied by Sirius and Supply, in sailing from the Cape to Botany Bay, 313.
- the run estimated at near a month, 430.
- Sirius ordered to the Cape, 145, 329, 335.
- time occupied on voyage there and back, 182.

Chatham

- First Lord of the Admiralty, 104, 562.
- King's interview with him, lb.
- inquires about the colony, 195.

Climate

- Matra's opinion, 5, 423.
- Sir George Young's, 7, 430.
- Sir Joseph Banks's, 85.
- Phillip's, 307, 338.
- Tench's, 308.
- hot winds, 307 and note.
- sudden changes of temperature, 307-8.
- weather in May, 201.
- earthquake, 306 and note.

Collins

- captain of marines, 205, 520.
- Judge-Advocate, lb.
- secretary to the Governor, lb.
- Justice of the Peace, 293.
- reads the Governor's commission at proclamation of the colony, 262.
- reports Phillip's speech, 264.
- describes voyage of the First Fleet, 95-6.
- the Cowpastures, 313 n.
- the Hawkesbury a fine site for the settlement, 97 n.
- views as to future of the colony, 98 n.
- not interested in exploration, 255.

Collins

- joins expedition in search of a river, 145.
- and one to the Blue Mountains, 157.
- sensations on the prospect of being lost among the coves of Port Jackson, lxxv, 153 n.
- account of Dawes' expedition to the Blue Mountains, 154.
- notes on natives, 284 n, 285 n, 287 n, 291 n.
- on dialect of the natives at Port Jackson, 320 n.
- on breeding operations, 256.
- the first play, 257.
- qualifications for judicial office, 36, 180, 213, 215.
- judicial views, 207.
- no comments on severity of criminal law, 207.
- illustrations from his work, 208-10.
- duties in the Civil Court, 211-12.
- in the Criminal Court, 213.
- judge, jurymen, and prosecutor, 213, 404-5.
- practice at trials, 213-5.
- duties of Judge-Advocate in England and in the colony, 215-6, 408.
- questions authority of Governor's warrant for holding Court-martial of marines, 347-50.
- letter to Nepean, enclosing his opinion, 555.
- to Campbell on Mary Turner's case, 400.
- attacked by Campbell, 401.
- letter to Phillip, 405-6.
- conduct in the matter, 406-7.
- question as to his interpretation of the Judge-Advocate's position, 407-9.
- vacancy in battalion offered by Ross, 425A.
- declined, lb.
- slighted by Ross, 115, 414.
- Account of the Colony, 206, 254-8, 539.
- character of the work, lb.
- fidelity of his narrative, viii.
- authorship of the second volume, 257-8.
- note on La Pérouse and the natives, 522-3.
- return to England, 206, 520.
- appointed Lieutenant-Governor, 206.
- abandoned Port Phillip, 97 n.
- character, 206, 256, 530.
- biographical sketch, 523-31.

Colonies

- founded by slavery and transportation, 12, 378.
- effect of those systems, 385-6.
- their origin, 387.
- difficulty of finding free settlers, 13.
- old and new policy towards the colonies, 387-8.
- sneers at colonists, 17 n, 383-4 n, 388 and note.
- emigration theories in last century, 13, 440-2.
- system of administration, 559-61.
- Secretaries of State from 1768 to 1795, 561.
- deserted settlements, 514-7.

Commission

- nature and scope of Phillip's, 27-30.
- text, 474-480.
- King's, 191, 526.
- historical sketch of Commissions, 487.
- connection with American colonial system, 488.

Constitution

of the colony under Phillip.
 Order-in-Council appointing New South Wales
 a place for transportation, 451.
 Act of Parliament establishing the colony, 453.
 and civil government, 454.
 Phillip's Commission, 474.
 to remit sentences, 542.
 Instructions, 481.
 nature and scope of his powers, 27-30, 488-9.
 Letters Patent constituting the Courts, 531, 537.
 administration of the colonies, 559.

Convicts

Matra and Young on transportation to New
 South Wales, 7, 8, 428, 431.
 official plan, 9.
 employment of convicts in European colonisa-
 tion, 12-15, 28, 378.
 English system, 14.
 Portuguese, 439.
 selling convicts, lxi, 15.
 assignment, ib.
 transportation to America, 14-20, 380.
 total number sent, 18, 461-2.
 disappearance of convict element there, 19.
 in Australia, lxxii, 20.
 transportation to West Indies, 17.
 number sent to New South Wales, 20, 463.
 transportation to British North America, 21.
 and to Africa, ib.
 Botany Bay selected for penal settlement, 22.
 the King's speech, 23.
 on board the *First Fleet*, lx, 34-37.
 negligence in organising, ib., 322, 344.
 women's clothing left behind, 62, 65.
 class of men sent, lxi, 297, 314, 316, 320, 359, 360.
 and women, 206, 278, 333, 337.
 to Port Phillip in 1803, 35 n.
 Phillip's views on management, 37-42.
 his first inspection, 62.
 Roman Catholic convicts, 55-58.
 alarm of conspiracy, 61, 63.
 seizure of American transport, ib.
 health and conduct on the voyage, 62, 63, 65,
 67, 71, 95-6, 308.
 health on arrival, 271.
 scurvy raging, ib.
 hospital tents filled, 322.
 no medical comforts, 322, 335, 345.
 the first hospital, 271 and note; 292, 300, 322-3n.
 punishment in Phillip's time, 100-4, 207-10.
 in after years, 393.
 Pinchgut, 104.
 Phillip's "little plan," 108, 353.
 defeated by the officers, 108-9, 292, 353.
 night-watch composed of convicts, 112.
 arrest a soldier, ib.
 educated villains, 346.
 thefts of native canoes and spears, 125.
 murder by natives at Botany Bay, 126.

Convicts

and at Rushcutters' Bay, 361.
 other cases, 297-8, 352.
 assignment to free settlers, 143.
 employment in exploration, 157.
 effect of Bligh's boat voyage to Timor, 172.
 Bryant's escape, 172-3.
 first party sent to Norfolk Island, 188-92, 271-2.
 second, 353.
 first party for Rose Hill, 354-6.
 the bell for church, 190.
 pathetic letter, 191, 525.
 flogging a boy, 192.
 convicts as settlers, 196.
 parade at Norfolk Island, 204.
 trial of convicts, 213-7, 274, 380, 392, 399.
 sentence—death or flogging, 214.
 death from hunger, 208.
 flogging a convict in presence of the natives, 251.
 the first play, 257.
 the first parade, 262.
 Phillip's speech, 263-5.
 the first marriages, 265-6.
 the social evil, 265.
 the carpenters, 271, 341.
 the farmers, 275, 315-6, 336, 351, 372.
 females wanted, 277.
 attacked by natives, 297-8, 301, 341, 352.
 Phillip's kindness, 102, 106, 304.
 overseers wanted, 315, 316, 326, 341, 352, 366.
 transportation papers left behind, 319.
 no provision for return to England, 320.
 escape to the bush, 320.
 dead and missing, 308.
 employed in work, ib.
 number victualled, ib.
 provisions on board the *Fleet*, 62-3-4-5-6, 70.
 at Sydney Cove, 344-5.
 children's allowance, 344-6.
 bad tools, 346.
 moral results of convict system, 385-7, 430a.

Cook

geography of New Holland in 1770, xxv-xxx.
 the library of the *Endeavour*, xxvi.
 mentions de Brosse, xxvii.
 proves Quiros did not discover mainland, xxx.
 chief object of his first voyage, xxxi.
 and his second, xxxvi, xxxviii.
 New Holland not Terra Australis, xxxiii.
 explodes theory of southern continent, xxxviii.
 mistake with respect to de Quiros, ib.
 describes Botany Bay, xi.
 his meadows, xlii.
 Péron's reference to his description, xliii.
 his expeditions and their origin, 25.
 believed Van Diemen's Land to form part of
 New Holland, 28 n, 176.
 his opinion accepted, 176.
 boundaries of New South Wales, 33-5.

Cook

equipment compared with Phillip's, 51.
impression produced by his First Voyage, lxviii.
mentions Australia, 38 n.
Broken Bay, 136, 272, 301.
Endeavour Straights, xxviii, 172.
indifference to exploration of New Holland, 177.
reason for exploring the east coast, 178.
La Pérouse's opinion of his work, 187.
quoted by Phillip, 39, 46 n, 272, 280, 232.
excuse for literary deficiencies, 99 n.

Cook's River

not mentioned by Cook, xlii.
examined by Phillip, 144, 268, 358.
the country between river and Cove, 353-9.
Péron's description, xliii, 359 n.

Courts of Law

constitution and character, 211-7.
letters patent constituting them, 531.
the Civil Court, 211-2, 531-3.
the Criminal Court, 212-7, 464-5, 533-6.
its first sitting, 274.
severity of its sentences, 207.
explained, 208.
distorted views of crime, 209-10.
character and history of the Court, 389-409.
officers object to sit, 109-111, 402-3, 410.
course adopted by Phillip, 410-20.
Court practically a Court-martial, 101, 215, 399.
Supreme Court established, 390.
the first Chief Justice, 391-4.
the first Attorney-General, 391.
the first public trials, 393.
military jurors, 390-9.
trial by jury of twelve, 390.
Bigge's report, 391-2, 397-8.

Court-martial

members placed under arrest, 115, 293.
Governor's warrant disputed, 116, 348.
Judge-Advocate's opinion on the point, 555.
power to decide questions of jurisdiction, 116 n.
how constituted in England, 215.
in Norfolk Island, 203.

Cox

discovered Cox Bight and Oyster Bay, 170.

Criminal Law

proportion between crime and punishment, 207-10.
reflex of the English system, 218-41.
administration in the colony, 101, 389-409.
illustrated by the case of Mary Turner, 400-7.
terror excited, 399 n.
historical parallel, 399.
capital punishment in England, 58, 217, 219-23, 237, 240.
flogging in England, 227-32.
and in the colony, 58, 101-4-5 n, 207-3, 214.
reform in England, 236-40.

Dalrymple

his works, xxvii, xxviii, 442, 570.
on board the Endeavour, xxvii.
speculations as to unknown continent, xxviii, xxv.
used the name Australia in 1770, 87.
discovered Torres' track through the straits, xxvii, 88 n.
translation of *la Australia*, 90, 91.

Dampier

popularity of his Voyages, xxv, xxvi, 574.
Moskito Indian, xxvin.
intention to explore east coast, xxx.
thought New Holland an island, xxxv.
considered it part of Terra Australis, lb.
impression produced by his accounts of it, xxvi, lxiv, 177.
description of the natives, 131, 321 n.

Darwin

lines on Sydney Cove, 299, 359, 548.
on Wedgwood's cameo, 549.

Dawes

second lieutenant of marines, 521.
officer of Engineers and Artillery, 154 n, 522.
in charge of the Observatory, 154 n.
with King at Botany Bay, 122.
attempts to explore Blue Mountains, 154, 157.
excursions to Nepean and Hawkesbury, 162-3.
exploration chart, 164-5-8, 181.
interest in exploration, 255.
Dawes' Point, 154 n, 183, 262.
return to England, 521 n.

D'Entrecasteaux

his expedition, 174, 590.

Depopulation Theory

check to emigration in last century, 13.
referred to by Matra, 426.
and Sir George Young, 430.
discussed, 440.

Dutch

claim to discovery of New Holland, xl.
accounts of explorations, xxv, xxvii, xxix, 88.
names given by their discoverers, xxxii.
Hollandia Nova, xxxi, 86.
Nieuw Holland, xxxi.
the Stadt-house map, xxxii.
the name Terra Australis not applied to New Holland, xxxiv.
at the Cape of Good Hope, 70.
assist convicts, 172.
ship chartered at Batavia for supplies, 184.
Hunter's voyage to England, 185.
King's, 193.
the spice trade, lxv.

East India Company

monopoly of trade in the South Sea, 24, 463.
its effect on the trade of the colony, 29 n.
enforced by seizure of ship and cargo, 80.
Dalrymple's opinion, 463.

Education

- no schoolmaster in the First Fleet, 57.
- not regarded as means of preventing crime, 59.

Exploration

- Phillip instructed to explore the coast, 485.
- asks for two small decked vessels, 341 and note.
- proposal from Banks, 82-3.
- another from Flinders, 84.
- gradual development of the art, 85 n, 168-9.
- Phillip's rank among explorers, 134.
- labours forgotten, ib.
- his energy, 134 and note.
- Botany Bay, 135, 144, 168, 181, 267, 279, 357-9.
- Broken Bay, 135 n, 136, 144-152, 168, 181, 272.
- Port Jackson, 135, 168, 268-9, 279.
- Cook's River, 268, 358, 373.
- Pittwater, 137, 147, 253, 273, 518.
- Shell Cove, 138 and note, 238.
- Manly Beach and Cove, 138, 282-3.
- Lake Narrabeen, 138, 288.
- Blue Mountains, 139, 145, 147, 149, 150, 153-4-5-7, 164, 169, 288.
- Caernarthen Hills, 150, 155, 288-9.
- Lansdowne Hills, 150, 288-9.
- Belle Vue, 140, 289.
- Hawkesbury, 139, 145-52, 154, 162-3 and note, 164-5-7, 181, 373.
- Rose Hill, 141, 155-8, 161, 163, 165-6, 357-8.
- Parramatta, 143, 288; river, 279, 358, 373.
- Mullet Island, 143.
- Richmond Hill, 150-1, 159, 165, 167, 288.
- Nepean, 154-5-6, 162-3 and note, 164-5, 373.
- Pyramid Hill, 156, 165.
- Prospect Hill, 159, 165.
- Mount Twiss, 164.
- Round Hill, ib.
- extent of country examined by Phillip, 164.
- review of his labours, 166-9.
- difficulties attending exploration, 167-8.
- value of his work, 168-9.
- interest felt in exploration, 255.
- native paths, 145 and note, 160, 343.
- plantations, 150 and note, 151.
- discovery of hoof-marks, 154 and note.
- Oxley and his successors, 168.
- his predecessors, 168-9.
- commencement of scientific exploration, 168.
- the "vast desert" theory, lxxx-v.
- A. C. Gregory's expedition, lxxxi.
- Denison's letter, lxxii.

Exploration by Sea

- Lord Howe Island, 170, 273-4, 297.
- voyage of the Supply round New Holland, ib.
- Middleton Shoals, 170 n.
- Oyster Bay, ib.
- McCluer off the northern coast, ib.
- Jervis Bay, ib.
- Matilda Bay, ib.
- Bligh in Adventure Bay, 171.

Exploration by Sea

- voyage in the Bounty's launch, ib.
- Bryant's escape in a boat to Timor, 173-3.
- voyage of the Pandora's boats, 173-4.
- D'Entrecasteaux in Storm Bay, 174.
- Vancouver in King George's Sound, ib.
- exploration of southern coast abandoned, ib.
- Furneaux and the straits, 174-5-6, 184.
- geographical speculations of the time, 175-7.
- indifference to exploration of New Holland, 177.
- Cook's route after leaving New Zealand, 178.
- his opinion as to straits between New Holland and Van Diemen's Land, 175.
- Hunter's, 183-4.
- Bass's voyage in the whaleboat, ib.
- time devoted by Cook to exploration of New South Wales and New Zealand compared, 178 n.

First Fleet

- instructions for equipment and despatch, 435-9.
- negligence displayed, 34-6, 47-8.
- Phillip's attention to details, 37, 42-8.
- instructions as to disembarking, 47.
- over-crowded ships, 43, 47-8, 51.
- neglect of precautions against sickness, 49, 322.
- bad treatment of the marines, ib.
- women neglected, 49, 50, 51-3, 62, 65.
- official indifference, 51.
- equipment of Cook's ships compared, ib.
- petition from Roman Catholic priests, 54-6.
- refused, ib.
- Phillip's request for overseers, 42.
- not attended to, 57.
- no schoolmaster on board, ib.
- only one chaplain, 58.
- appointed at the last moment, 54 n, 58.
- Fleet at sea, 60-72.
- departure from the Motherbank, 60.
- going down the Channel, ib.
- alarm on board the Scarborough, 61, 63.
- Phillip inspects his people, 62-3.
- marines sent to sea without cartridges, 62-5.
- danger of storeships being lost, 361.
- arrival at Santa Cruz, 62.
- good health on board, ib.
- and good conduct, 63.
- arrival at Rio, 63.
- Portuguese hospitality, 64-9.
- arrival at the Cape, 70.
- taking in plants, seed, and live stock, 71-2.
- departure from the Cape, 266.
- Phillip leaves the Sirius, ib.
- in sight of land, 267.
- arrival at Botany Bay, ib.
- in Port Jackson, 269.
- Phillip's management of the expedition, 64-6.
- reason of his success, 66.
- transports cleared for China, 274, 291, 297 n.
- one nearly lost off Lord Howe Island, 297.

First Fleet

ships hove down, *ib.*
 storeship detained as a cellar, 318, 334.
 Golden Grove sent to Norfolk Island, 332, 347.
 return, 355.
 ships return to England, *ib.*
 question as to the route, 326.
 voyage of the *Alexander*, *ib. n.*
Sirius sent to the Cape, 182, 335, 345.
 wrecked, 184, 200, 249, 369, 506, 508.
 Supply sent to Norfolk Island, 272-3, 330.
 discovers Lord Howe Island, 170, 274.
 sent there for turtle, 297.
 to Batavia for supplies, 170, 249.
 condemned, 521.
 news of the Fleet received in England, 363 *n.*
 particulars of the ships, 439.
 expenditure, 470.

Flax

cultivation of the New Zealand plant—
 proposed by *Matra*, 6, 423.
 by Sir George Young, 7, 430.
 in Heads of a Plan, 434.
 suggestion adopted by the Government, 484-5.
 cultivation not successful, 9, 188, 296.
 why, 36, 188, 331, 355.
 Maori teachers of flax-dressing, 188.
 Phillip proposes to send to Queen Charlotte
 Sound for plants, 45.
 asks the French botanists if they had seen the
 plant at Botany Bay, 280.
 refers to the plant in Port Jackson, 280, 295.
 "never met with," *ib.*
 "frequently met with," 295.
 the plant at Norfolk Island, 331.
 Cook's description of the New Zealand plant,
 334 *n.*
 of the Norfolk Island plant, 333.
 very luxuriant, eight feet high, 331.
 would supply rope, canvas, and clothing, 355.
 opinion of English manufacturers, 333, 424, 434.
 Sir George Young proposes to cultivate the
 plant in Norfolk Island, 11, 334.

Flinders

opinion as to original name of New Holland,
 xxxii, 86 *n.*
 as to names given by the Dutch, *ib.*
 authority for his views, *ib.*, xxxiii.
 evidence against, xxxiii, xxxiv.
 suggests the name *Australia*, 86.
 charts, 86, 89.
 the name previously applied by Dalrymple, 87.
 effort to revive the name *Terra Australis*, 80, 90.
 voyage of the *Investigator*, lxxii.
 devotion to his work, lxxvi.
 connection with Sir Joseph Banks, 80.
 proposes to explore the interior, 84.
 speaks of *Australia* in 1806, *ib.*
 the inland sea theory, lxxxiv.

French

claim to discovery of New Holland, xi.
 de Brosses' collection of voyages, xxvii, 87-8,
 92 *n.*, 575.
 chart of *Nouvelle Hollande*, xxvii.
 referred to by Cook, *ib.*
 Thevenot's collection, 573.
 chart in Thevenot, xxxii.
 his *Terre Australe* mistaken by Flinders for
Terra Australis, xxxiii.
 Péron's account of Botany Bay, xliii.
 expeditions to the South Pacific, 25-6.
 their influence on English policy, *ib.*
 occupation of Norfolk Island anticipated, 30.
 supposed designs on New South Wales, 30-3.
 instructions to *La Pérouse*, 30-1.
 unfounded suspicions as to his movements, 31-3.
 no apprehension felt by Phillip, 31-2.
 southern coast open to French occupation, 32-3.
 saved by Flinders, 33.
La Pérouse's neglect to explore, 33.
 opinion of the country, lxx, 33 *n.*
 apprehension of French designs, 31 *n.*
 unfounded accusations, 522-5.
 ships visited by King and Dawes, 187.
 opinion of Cook's work, *ib.*
 mappemondes, 91 and note.
 fictitious voyages to *Terra Australis*, 92 *n.*, 571-2.
 translations, 569, 580, 581, 589, 601.
Maupertuis, 574.
 his suggestion followed out by de Brosses, 575.
Bougainville, 25.
Marion, 25, 578.
La Pérouse, 26, 187, 269, 327, 578.
D'Entrecasteaux, 174, 578.
Labillardiere, 578.
Péron, xliii, 156, 271, 359, 593.
Rossel, 595.
Née, 596.
Annales des Voyages, 596.

Free Settlers

proposal for colonisation of New South Wales
 by free settlers, xlix, l, lvi, 5, 8, 424, 430.
 rejected by the Government, xlix, 10.
 difficulty of obtaining free settlers in early
 periods of colonisation, 13, 440.
 Phillip's opinion as to intercourse between free
 settlers and convicts, 40-1.
 first settlers sent out on his representations, 143.
 located at Liberty Plains, *ib.*
 conditions on which they came out, *ib.*
Grenville's inquiries as to marines and convicts
 becoming settlers, 196.
 Phillip's views on free settlement, 40, 315, 324-5,
 328, 336, 341, 351, 355, 372.
 marines decline to remain, 336-7.
 every one anxious to leave the country, 501-5-7.
 probable results of colonisation by American
 loyalists, 371-4.
 reasons for the Government policy, 374-380.
 some of its results, 266, 275, 380, 385-7, 430 *A.*

Free Settlers

subjected to same disabilities as the convicts, as regards trial by jury, 390, 399.
provision for grants of land to free settlers, 487.

Furneaux

sailed from Adventure Bay to discover whether Van Diemen's Land formed part of New Holland, 175.
explored the coast without settling the question, 174, 176.
"no straits, but a very deep bay," 174-5-6.
opinion accepted by Cook, 175.
and by geographers, 176.
Schouten Island, 183.

George's River

not mentioned by Cook, xlii.
explored by Phillip, 144.
Péron's description of the marshes, 359 n.

Hawkesbury

Phillip expects to find a river, 139.
expedition in search of it, 145.
river discovered, 146.
value of the discovery, 147, 167.
another expedition, ib.
rowing up the river, 148.
signs of recent floods, 152.
unable to trace the river to its source, 151.
journey from Rose Hill to the river, 157.
crossing the river and creeks, 156-60.
question whether Hawkesbury and Nepean one river or two, 162.
settled by Tench and Dawes, 163.
other expeditions, 165.
Collins's account of the discovery, 255.
his opinion of the river as a site for the principal settlement, 97 n.

Howe

First Lord of the Admiralty, 3.
Matra's proposal referred to him by Sydney, ib.
unfavourable reply, 4.
island named after him, 170, 274.
opinion of Phillip, 94, 495.
quoted by Major Ross, 425a.

Hunter

second captain of the Sirius, 521.
Commissioner of the Vice-Admiralty Court, 587.
placed in charge of the Fleet while Phillip went on in the Supply, 267.
arrival at Botany Bay, ib.
an active colleague, 181.
with Phillip in boats to Port Jackson, 268.
account of the trip, 135 n, 268 n.
followed Phillip with the transports, 269.
conversation with La Pérouse, 309.
observations with respect to straits between New Holland and Van Diemen's Land, 184.
opinion confirmed by Bass, 183.
Historical Journal, 180, 252.

Hunter

Dawes' chart, 181.
sketch of Sydney Cove, 252.
of native woman and child, 181.
describes the scene, 252-4.
surveys Port Jackson, Botany Bay, and Broken Bay, 181.
exploration of the interior, ib.
with Phillip to the Hawkesbury, 145, 181.
account of the expedition, 145-53.
providential escape on return, 153, 518.
the first native census, 342 n.
puts up first flagstaff and look-out station at South Head, 182, 510.
sent to the Cape for supplies, 182, 313, 339, 335, 345, 351.
account of the voyage, 314 n.
narrow escape from wreck, 313.
describes Phillip at sea, 120.
wrecked at Norfolk Island, 184, 200, 506-8, 511.
eleven months there, 184.
returns to England, 185.
mistrusts the Dutch, 185.
advocates passage round Cape Horn, ib.
opinion as to native food supply, 141 n.
guns of the Sirius, 182 n.
journal from 1796 to 1800 published by Collins as second volume of his work, 257 n.

Island Women

Matra suggests that women should be obtained from the islands, 6, 425.
adopted in Heads of a Plan, 434.
by Sydney in letter to the Treasury, 426.
and in Instructions to Phillip, 9, 496.
Phillip's views before leaving England, 46.
after arrival, 388.
origin and character of the proposal, 277-8.

Jervis Bay

discovered and named, 170.

Johnson

appointed chaplain, 55 n, 520 and note.
methodist, 58.
no church to preach in, ib.
letter to Nepean, 502.
Address to the Inhabitants, 583.
farm at Canterbury, 520 n.
return to England, ib.

Johnston

first lieutenant of marines, 520.
promotions, 521 n.
aide-de-camp, 522.
adjutant of orders, 294.
with Phillip on his expeditions, 144-5.
undecided about settling in the colony, 336-7.
report of his trial by Court-martial, 215 n, 596.

Judge-Advocate

appointed under Act of Parliament, 456,
and Letters Patent, 531-4-5.

Judge-Advocate

- duties, *ib.*
- the first appointment, 36, 205, 520.
- functions in England, 215, 404, 408.
- in the colony, 215-6, 301, 396 n, 397-8, 408, 414.
- Bigge's opinion on the office, 392.
- the last appointment, 391 n.

Justices of the Peace

- appointed by Letters Patent, 536.
- power to appoint, 29, 476.
- Collins appointed, 293.
- King for Norfolk Island, 190-1.
- and Cresswell, 203 n.

Kangaroo

- spelling of the word, 329 n.
- not known by that name to Port Jackson natives, *ib.*
- two varieties, *ib.*, 343.
- seen in large numbers, 158.
- described by Banks, *xlvi.*
- and by Phillip, 343.
- first sent to England, 329.

King

- second lieutenant of the *Sirius*, 185, 521.
- promotions, 197, 521 n.
- journal of the voyage of the *First Fleet*, 122.
- encounter with the natives at Botany Bay, 122-3.
- Phillip's friendship, 185-6, 272, 329.
- portrait, 186.
- letters describing Phillip in old age, 186 n, 368.
- their last meeting at Bath, 186.
- visits *La Pérouse*, 187.
- opinion as to small-pox among the natives, 525.
- appointed Commandant at Norfolk Island, 188.
- instructions, 527.
- commission, 191 n.
- results of two years' residence there, 189-92.
- keeps faith with Maori flax-dressers, *ib.*
- sent with despatches to England, 188-9.
- describes the island, 189.
- chaplain and Justice of the Peace, 190.
- method of dealing with offenders, 191-2.
- views on flogging, 192.
- voyage to England, *via Batavia*, 193-4.
- offer of passage in French frigate declined, 193.
- meets Riou at the Cape, 194.
- arrives in London, 194.
- journal at Norfolk Island, *ib.*, 252.
- appointed Lieutenant-Governor, *ib.*
- letter from Grenville, *ib.*
- Commission, 526.
- interviews with Chatham and Grenville, 195-6.
- opinion as to marines and convicts becoming settlers, 196.
- invited to breakfast with Sydney, 368.
- marriage and return to the colony, 197.
- voyage in the *Gorgon*, 197-8.
- stays with Phillip, 198.

King

- returns to Norfolk Island, 200.
- journals, 122, 194, 252, 588.
- describes Major Ross's proceedings in proclaiming martial law, 200-4.
- reproved by Banks for frequent reprieves, 239.
- recommended for promotion, 272, 329, 368.

Lake Narrabeen

- discovered by Phillip, 138.

Lang

- Historical Account of New South Wales, *vi.*
- estimate of number transported, 18, 461-2.
- anecdote of Hunter, 180 n.
- story of a gum-tree, 338 n.
- moral reflections on the *First Fleet*, 331 n.

Land

- Banks on the soil at Botany Bay, *xlv.*
- Matra on the soil generally, 5, 423.
- Sir George Young, 7, 430.
- Phillip, 337.
- asks for instructions as to grants of land, 35.
- power to grant, 29, 479.
- instructions to cultivate, 483, 487.
- and report, 487.
- first report, 323-5.
- proposes to endow the church with land, 324.
- search for land fit for cultivation, 137, 147, 165, 263, 270, 288-9, 341, 358.
- found at Pittwater, 137, 273, 341.
- at Parramatta, 141, 288-9, 324, 356.
- on the Hawkesbury, 150.
- the land about Sydney Cove, 279, 337, 358.
- at Cook's River, 358-9.
- at Norfolk Island, 331, 355.
- difficulty in clearing, 270, 337, 359.
- no farm labourers, 359.
- only one farmer, 351.
- no botanist or gardener, 250.
- grants to first free settlers, 143.
- officers claim grants of land, 109, 293, 315.
- instructions signed in August, 1789, 337.
- received by Lady Juliana in June, 1790, 278.
- grants to soldiers, 337 n.
- cultivation by the officers, 271, 311, 351.
- soldiers' gardens, 337.
- the first farm, 142, 351.
- metals and minerals, 339-41, 356.

Liberty Plains

- first free settlers placed there, 143.

Live Stock

- Banks thinks that stock would thrive, *xlvi.*
- Matra's suggestions for stocking, 424.
- adopted in Heads of a Plan, 433.
- in Sydney's letter to the Treasury, 436.
- in the Instructions to Phillip, 432, 434.
- stock to be procured by barter, 436, 434.
- why, 311.

Live Stock

Phillip's views as to management of stock, 40.
 purchased at the Cape, 72.
 cattle stray away, 274-5, 306, 311, 343, 393 n.
 sheep do not thrive on native grass, 296, 312, 343.
 greater part of the stock dead in July, 311.
 one sheep only alive in September, 312, 343.
 hogs and poultry thriving, 343.
 cattle would also thrive, ib.
 fresh stock to be purchased at the Cape, ib.
 killed for want of food, 335.
 wild herds at the Cowpastures, 312 n, 313, 393 n.
 supposed to have been killed by natives, 311.
 the first return of live stock, 312, 561.
 statistics for the century, 551.

Manly Cove

named by Phillip, 283.
 why, 282.
 Phillip speared there, 124.
 exploration of the country between Manly and
 Pittwater, 138-9.

Marion

his expedition, 25.
 Voyage, 175, 578.
 not known to Cook in 1777, 175 n.

Marsden

statement as to appointment of first chaplain,
 54 n, 56.
 letter to Banks, 79.

Martial Law

proclaimed in Norfolk Island by Major Ross, 200.
 reasons given by him, 201.
 power to proclaim, 202 and note.
 when justified, 204 n.
 resolutions agreed to by officers, 203-4.
 constitution of General Court-martial, ib.
 proceedings on the proclamation, 205.

Matilda Bay

discovered and named, 170.

Matra

consults Banks with reference to colonisation of
 New South Wales, xlix, 3, 425.
 contrast between his description of the country
 and that given by de Brosse,
 and by Cook,
 proposal for colonisation, 1-7, 428-29.
 revised by Sir George Young, 8.
 and officially, 9.
 finally adopted by the Government, 8-9-10.
 proposed that American loyalists should be sent
 out, 9, 10, 370.
 his starting point, 375.
 probable reasons for rejection of his scheme,
 374-5.
 letter to the Government, 1-2, 549.

Military

employment of marines suggested by Matra,
 5-6, 424.
 and by Sir George Young, 431.
 suggestion adopted in Heads of a Plan, 423.
 and by Sydney in official letters, 436-8.
 number sent and distribution on board ships,
 336, 490.
 officers receive a year's advance, 43.
 Phillip's attention to their welfare, 41, 49, 66.
 sent to sea without cartridges, 62-5.
 ten thousand musquet balls purchased at Rio, 67.
 deaths at sea, 65, 95.
 rum bought at Rio for their use, 66.
 allowances, ib.
 soap bought at Teneriffe to replace that taken
 from the marines before sailing, in order to
 wash the convicts, 67.
 officers buy live stock at the Cape, 72.
 refuse assistance to Phillip in managing the
 convicts, 108-9, 292, 314-5, 352-3.
 their reasons, 109, 292-3, 314-5, 352-3.
 conflicts between Major Ross and Phillip, 109,
 112, 292, 410.
 Phillip's self-restraint, 102, 110, 118, 410, 423 a.
 officers object to sit as members of the Criminal
 Court, 110, 293, 411, 415-7.
 complain because they cannot get grants of land
 immediately, 109, 293.
 Major Ross aggressive, 110, 113, 114, 410-430 a.
 Phillip's course of action, 111, 410-427 a.
 the night-watch difficulty, 112.
 civil government in jeopardy, 113, 426 a.
 members of Court-martial placed under arrest,
 115, 293-4-5, 349.
 officer charged with insubordination, 116-7.
 Captain Campbell and the Judge-Advocate, 400.
 Captain Tench and fifty men sent to Botany Bay
 to punish the natives, 127-8, 248.
 officers take to farming, 271, 505, 509.
 write grumbling letters to England, 499, 500.
 have separate houses, 336.
 the first barracks, 292, 300, 336.
 living in a marquise, 505.
 fishing all night, 509.
 guard at Botany Bay, ib.
 mounting guard barefoot, ib.
 the six marines, 209, 400.
 marines sent to Norfolk Island, 272, 347, 353.
 drawn up at proclamation of martial law, 204.
 sent to Rose Hill, 336, 354, 505.
 Phillip recommends increase of force, 308, 325.
 grants of land to officers, 325.
 soldier-mechanics, 336.
 return of men who wished to remain, 336-7, 501.
 Grenville asks about marines becoming settlers,
 196.
 soldiers' gardens, 337.
 the Major quarrels with his officers, 347-8.
 officers decline to recognise Governor's warrant
 for holding Court-martial, 116, 349.
 soldier lost in the bush, 350.

Military

- two officers only acquainted with Act establishing Criminal Court before they sailed, 400.
- official jealousy of Major Ross, 411, 420, 427A.
- Phillip directs the officers to state their opinions as to the Criminal Court question, 415.
- their statements, 416-7.
- Phillip directs officers to be examined as to offensive language used by Ross, 417.
- their statements, 418-9.
- the result, 419, 420.
- Ross complains of an insult, 421-2-3.
- Phillip replies, 423A.
- gives Ross a hint, 423A.
- and recommends mutual forbearance until a legal inquiry can take place, *ib.*
- coolness between them, 423A.
- the source of dissension, 109, 110, 428A.

Mullet Island

- discovered and named by Phillip, 148.

Natives

- Phillip's instructions, 485.
- his first interview with natives at Broken Bay, 122-3, 232.
- views when in England, 39, 40, 46.
- as to barter, 41.
- interest taken in them, 119, 231.
- his policy when in the colony, *ib.*, 249, 324:
- capture of Arabanoo, 120.
- native at tea with Phillip, *ib.*
- at dinner, 120 n.
- death from small-pox, 120.
- its origin, 523.
- capture of two natives, 121.
- friendly visits, 121, 160.
- success of his policy, 121, 231.
- subsequent results of aggression, 122 and note.
- difficulty in preventing it, 122 n, 352.
- punishment for attack on natives, 101 n.
- of natives for killing a convict, 126-9, 248-9.
- tact and coolness in dealing with natives, 122-4.
- a lesson in cookery, 232.
- French cook mimicked, 303n.
- names Manly Cove in their honour, 232.
- recommends long frocks and jackets, 296.
- wants presents for them, *ib.*
- spearred at Manly Cove, 124.
- no attempt to retaliate, 102.
- natives considered treacherous, xlv, 125.
- attacks on unarmed whites, 125, 297, 301, 316, 341, 352.
- treachery or retaliation, 125, 298, 301, 352.
- the original aggression, 125 n.
- claims of right, 125.
- seizing fish, 125, 327.
- murder of Phillip's gamekeeper, 126, 248.
- expeditions to punish them, 127-8, 248-9, 301.
- an act of revenge, 123.
- keeping aloof, 342-3, 352.

Natives

- inland natives, 140, 239, 302-3, 320.
- means of subsistence, 140, 141 n, 290, 320, 552.
- cannibal stories, 306, 321.
- supposed to be confined to the coast, 140, 239, 303, 320-1.
- friendly natives in the bush, 100, 163, 236, 302.
- Tench's tribute, 163.
- paths, 145 and note, 160, 343.
- employment on exploring expeditions, 157, 161.
- effect produced by flogging a prisoner, 251.
- Hunter's account of the young native woman and child, 253-4.
- La Pérouse and the natives, 231, 522.
- customs, 119, 129, 138, 161, 232-7.
- love of music, 121 n.
- poising a spear, 124 n.
- cutting off two joints, 138, 233-4.
- precautions on meeting strangers, 161.
- introductions, 162 and note.
- love of ornaments, 232, 236.
- carrying fire-sticks, *ib.*
- painting the face and body, 233.
- the women, 233-6.
- knocking out the front tooth, *ib.*
- bone in the nose, *ib.*
- scarifying the body, 235.
- stealing from strangers, 236.
- honest among themselves, 352.
- acts of kindness towards the whites, 133, 160-3.
- weapons, 233.
- fishing tackle, 236.
- food, 236-7, 290.
- huts, 290.
- burning the dead, 237.
- hunting opossums, 290.
- carvings on the rocks, 290 and note, 291.
- firing the bush, 291.
- means of avoiding disputes, 302.
- population, 237, 324.
- a sham fight, 342.
- a whale feast, *ib.*
- cookery, 554.
- responsibility of Home Government, 123.
- no method of administration established, 129.
- policy of United States towards natives, 430A.
- Grey's suggestions, 129.
- prohibition of savage customs, *ib.*, and note.
- measures in force, 130.
- total native population, *ib.*
- children attending school, *ib.*
- amount distributed for rations and clothing, *ib.*
- disappearance of the race, *ib.*
- capability for civilised life, *ib.*
- French opinion of them, lxx, 33 n.
- Dampier's, 131.
- Grey's, *ib.*
- Mitchell's, *ib.*
- Eyre's, 132.
- Mundy's, 132 n.

Natives

Tench's, 163-4.
responsibility for cruel treatment of natives, 183.
inefficiency of the law to protect native life, 183 n.

Nepean

Under Secretary for Home Office, 1 and note.
letter from Banks, xliii.
from Matra, 1-2, 549.
from Phillip before sailing, 42, 43, 44, 46, 48, 50-2.
on the voyage, 60, 68, 69, 70.
at Sydney Cove, 295, 309, 323, 344.
Phillip relies on his assistance, 309.
Sydney writes about Phillip, 367-8.
river named after him, 1 n, 156.
King calls on him in London, 194.
letter from Ross on behalf of Campbell, 110 n.
on behalf of himself, 499, 500.
letter from the Rev. Richard Johnson, 502.

Nepean River

discovered by Tench, 154-5.
first view of it, 155-6.
named by Phillip, 156.
whether Nepean and Hawkesbury one river, 162.
settled by Tench and Dawes, 162-3.
course of the river from source to junction, 163 n.

Neutral Bay

named by Phillip, 138 n.

New Holland

English ideas with respect to it in 1770, xxv.
voyages published in England, 1b.
impression created by Dampier, xxvi.
geography of the time, xxvi-xxx.
French charts, xxvii.
description in Callander, xxix.
Dampier's intention to explore east coast, xxx.
mistaken for Terra Australis, xxxi-xxxvi, 86.
always considered an island, or several islands
separated by straits, xxxi, xxxv.
the Londe of Java, xxxi, 91 n.
Jave la Grande, 91 n.
Dutch names, xxxi, xxxii, xxxiv.
Flinders' argument, xxxii, 86 n.
founded on misapprehension, xxxii, xxxiii.
the Stadt-house map, xxxiii.
the country termed New Holland by Cook, xxxiii.
and his contemporaries, 1b.
officially termed the Groote Zuid-land or On-
bekende Zuid-land by the Dutch, xxxiv.
French geographers, 1b.
Dampier's opinion, xxxv.
general estimate of the country in 1779, lxiii.
described by de Brosses, lxiii, lxiv.
pronounced unfit for colonisation, lxiv.
chart published in 1787, 86.
change of name from New Holland to Australia,
87 n, 89, 92 and note.

New South Wales

colonisation suggested by Matra, 1, 422.
description of the country, 1b.
political and commercial advantages, 5-7, 422-7.
his ideas obtained from Banks, lxviii.
who proposed a settlement in 1779,
his opinion quoted by Matra, 3, 425-7.
difference between Matra and Cook, lxvi.
explanation, lxviii.
American loyalists proposed as first settlers, 5,
424-5.
they approved of the scheme, 425, 549.
proposal rejected by the Government, 10.
reasons, 10, 374-81.
probable results of their settlement, 370-4.
why convicts sent instead of free settlers, 10, 376-9.
some results of sending convicts, 266, 275, 300,
385-7, 430a.
disappearance of the convict element, lxvii, 20.
statistics of transportation, 463-5.
settlement not designed to be penal only, 10,
23-6, 27-30, 474-480, 481-7.
free settlement contemplated, 487.
first settlers sent on Phillip's advice, 143.
no thought of sending them in 1790, 196.
Phillip's views on free settlement, 40, 315, 324-5,
328, 336, 341, 351, 372.
his predictions of a great future, 40, 53, 98, 107,
279, 298, 308, 321.
not shared by his officers, 98 n, 500-1-6-7-8.
Banks equally prophetic, 85.
but uniformly contradicted, 1b.
another prophet, 364.
French expeditions, 25-6.
suspicions of hostile movements, 31 n, 32 n.
French ideas about colonisation in 1756, 575.
opinions of the country, 33 n.
proclamation of the colony, 261-2.
limits of the territory, 23, 262, 475.
doubtful prospects, 275-6.
native products, 230.
search for minerals, 339, 340, 356.
and for good land, 137, 147, 165, 268, 280,
288-9, 341, 358.
stone and clay, 230.
no lime, 290, 338.
difficulties of cultivation, 270, 275, 316, 337, 351.
exploration inland, 136-66, 288-9.
by sea, 170-75.
dependent on supplies from England, 275, 297,
309, 314, 321-3, 323, 336, 344-6, 353.
two years' supplies sent in First Fleet, 309, 491.
no supplies received until June, 1790, 322-3,
344-5, 510.
supplies exhausted, 365-6.
Sirius sent to the Cape, 145, 182, 313, 320, 335,
345, 351.
Supply to Batavia, 249, 318n.
cattle lost and sheep dead, 343.
fears of famine, 314.
efforts to procure food, 27, 275, 509, 512.

New South Wales

- large number sent to Norfolk Island, 200, 249.
- wreck of the *Sirius*, 249, 506-8-11.
- panic in the island, 201.
- and at Sydney Cove, 249, 369.
- described, 249, 507-8.
- sufferings of the people, 249, 250.
- relieved on arrival of Lady Juliana, 251.
- unarmed men speared by natives, 207-8, 297, 301, 341, 352.
- who avoid the settlement, 352.
- review of the first year's work, 357.
- first news from Botany Bay, 361.
- effect produced by Phillip's despatches, 363.
- official neglect of the colony, 276, 361-2.
- goals to be cleared again, 365.
- administration of justice, 207-10, 211-7, 388-406.
- conflicts between civil and military, 109-18, 410, 426-9A.
- civil government in danger, 113, 426A.
- results of mismanagement, 429A.
- value of territory unknown to Government, 379.
- sketch of Sydney Cove, 252.
- first plan of Sydney, 296.

New Zealand

- Cook instructed to explore, 178.
- time devoted to the work, 178 n.
- reason of his careful examination, *ib.*
- the Endeavour in Queen Charlotte's Sound, xl.
- colonisation recommended by Cook, 334 n.
- no proposal made by Matra, Young, or the Government, 334.

Norfolk Island

- discovered by Cook, 333.
- his description of the flax and pine, *ib.*
- dense vegetation, 189.
- Phillip instructed to occupy, 485.
- probable reason, 30.
- petition for a grant of the island, 11.
- King despatched as Commandant, 188, 272.
- people sent with him, 272.
- King's Commission, 191.
- his instructions, 527.
- arrival, 330.
- difficulty in landing, *ib.*
- midshipman and four men lost in the surf, *ib.*
- two Maoris seized and taken to the island, *ib.*
- restored by King to their friends, *ib.*
- the first garden, 189.
- King's description, 189, 278, 330-3.
- farming operations, 190, 331-3.
- the flax-plant discovered, 190 n.
- cultivation, 188, 331.
- the church bell, *ib.*
- administration of justice, 191.
- stealing rum, 191-2.
- flogging offenders, 192.
- conspiracy among the convicts, *ib.*
- detachment of marines sent, 203 n.

Norfolk Island

- King recalled, 188.
- appointed Lieutenant-Governor, 194.
- his journal, *ib.*
- Chatham asks for information, 196.
- a prosperous settler, 196.
- Ross takes King's place, 200.
- people sent with him, *ib.*
- wreck of the *Sirius*, 184, 200, 506 8-11.
- crew eleven months on the island, 184.
- martial law proclaimed, 200-4.
- plundering declared capital, 204.
- scene on the proclamation, *ib.*
- King's return, 205.
- Phillip's report, 330.
- sanguine expectations, 333.
- the pine-trees, 332.
- timber for ship-building, *ib.*
- fern-trees supply food for animals, *ib.*
- island overrun with rats, *ib.*
- not a single blade of grass, *ib.*
- nor an acre free from timber, 330.
- two canoes found on the rocks, 333.
- transportation to, 20.

O'Hara

- estimate of Phillip's character, 427A.
- History of New South Wales, 600.

Ozley

- the first scientific explorer, 168.
- labours facilitated by his predecessors, 169.
- Journals of two Expeditions, 602.
- explorations, lxxxiv.
- theory of an inland sea, *ib.*

Parramatta

- first settlement at, 142, 336, 354.
- flourishing condition, 143, 354.
- town laid out, 143.
- named by Phillip, *ib.*
- pleasant excursions, 198.
- the Governor's house, 199 and note, 354.
- difference in temperature, 307.
- a hot wind, 307 n.
- inscription on Alt's tombstone, 520 n.

Peron

- describes Botany Bay, xliii, 359 n.
- mistake as to the first hospital, 271 n, 323 n.

Parouse

- voyage, 26, 590.
- apprehension of design to occupy New South Wales unfounded, 30.
- suggested by track of his ships from Kamchatka, 31.
- no suspicion entertained by Phillip, *ib.*
- probable reason of neglect to explore southern coast, 33 and note.
- Tench's description of the French ships entering Botany Bay, 32, 245.

Pérouse

King's account of his visit to La Pérouse, 187.
 opinion of Cook, *ib.*
 of the country and its inhabitants, *lxi*, 33 n.
 despatch from Botany Bay, 327.
 thought Bay of Avatscha finest harbour in the world, 136 n.
 did not visit Port Jackson, *ib.*
 Phillip's report of his arrival, 269.
 conversation with Tench, 121 n.
 with King, 187.
 with Hunter, 309.
 unjustly accused of firing on the natives, and spreading small-pox, 522-5.
 spelling of his name, 30 n.

Phillip

Post-captain, 94, 497.
 Captain-General and Governor-in-Chief, *ib.*, 27, 475, 520.
 nature and extent of his powers, 27-30.
 Commission, 474-80.
 Instructions, 481-7.
 the first lord's letter on his appointment, 495-6.
preparations for the expedition, 37-53.
 memo. on points relating to it, 37-42.
 proposes to arrive before the transports, 37.
 management of convicts on board ship, 38.
 the greatest villains should be put in one ship, *ib.*
 women to be protected, 38, 40, 46.
 will see that the people are kept clean, 30.
 and give them sensible advice, *ib.*
 will prevent intercourse with the natives, *ib.*
 may be necessary to permit prostitution, *ib.*
 marriage will be encouraged, 40.
 native women may marry convicts, *ib.*
 must be protected, *ib.*
 death will never be necessary, *ib.*
 only two crimes merit death, *ib.*
 offenders should be handed over to cannibals, *ib.*
 exile more effectual than death, *ib.*
 large quantity of stock the first great object, *ib.*
 women may be brought from the islands as wives for the soldiers, 40, 46.
 convicts should not lay the foundation of an empire, *ib.*
 nor allowed to mix with free men, even after their time is served, 40-1.
 no slavery in a free land, 41.
 horsemen required to reconnoitre, *ib.*
 native population probably large, *ib.*
 stores should be carried in the armed ships in case of accident to the store-ships, 41-2.
 twelve dozen shilling razors very necessary, 42.
 overseers required, *ib.*
 ships overcrowded, 43, 48, 51.
 helpless people on board, 43.
 no surgical instruments, *ib.*
 asks for fresh meat and vegetables, and a little wine for the sick, 44.
 requires authority to buy wine on the voyage, *ib.*

Phillip

to have a hospital ship, 44, 49, 50.
 to supply fresh meat and vegetables in port, *ib.*
 to use his own judgment in selecting a site, 45.
 to send to New Zealand for the flax-plant, *ib.*
 to emancipate, *ib.*
 to exile, 45-6.
 to send home officers for trial, 45.
 to hoist a pendant, *ib.*
 to change the provisions, *ib.*
 to go to Port Stephens instead of Botany Bay, 46.
 no more convicts to be sent out until his situation known, *ib.*
 natives must be protected, *ib.*
 in case of being opposed by European ships? *ib.*
 salary and allowances, 47.
 authorised to remove from Botany Bay, *ib.*
 but not to delay disembarkation, *ib.*
 fears of sickness on board, 47-8.
 of public criticism in event of disaster, 48.
 ships cleaned and smoked, 49, 50.
 no anti-scorbutics, 49.
 marines sent in the worst possible state, *ib.*
 fresh meat supplied to the sick only, *ib.*
 compelled to order clothing, *ib.*
 convicts should be washed and clothed, 49, 50.
 repeated applications and complaints, *ib.*
 women almost naked and very filthy, *ib.*
 fever on board their ship, 50.
 and other complaints, *ib.*
 porter and ducats required for presents, *ib.*
 not allowed, 70.
 sour krout and portable soup for the sick, 51.
 official indifference, *ib.*
 Cook's equipment compared, *ib.*
 last letter from England, 52.
 examines the bread, *ib.*
 necessities received at the last moment, *ib.*
 women's clothing left behind, 53, 60, 62, 65.
 letters to Rio and the Cape not received, 53.
 waiting for a wind, *ib.*
 "our intended settlement," *ib.*
the Fleet at sea, 60-72.
 clearing the Channel, 60-1.
 women's clothing again, 60.
 Provost-Marshal never turned up, *ib.*
 alarm on board the Scarborough, 61, 63.
 ring-leaders flogged, *ib.*
 first inspection, 62.
 "some comely villains," 62-3.
 no musquet balls for the marines, 62.
 convicts not so sickly, *ib.*
 convicts quiet and contented, 63.
 women's clothing again, 62, 65.
 bread too dear to buy at Santa Cruz, 63.
 butter melting, *ib.*
 reception at Rio, 64-69.
 convicts supplied with fresh provisions, 64, 66.
 much healthier, 65.
 only fifteen deaths, *ib.*

Phillip

rum bought for the soldiers, 65-6.
 no butter or cheese at Rio, 66.
 no wine in store, ib.
 rise in rum, ib.
 convicts nearly naked, ib.
 sacks bought for clothing, ib.
 ten thousand musquet balls purchased, 67.
 soap for the marines, ib.
 convicts allowed the liberty of the deck, ib.
 provisions badly stowed, ib.
 coffee, indigo, cotton, and cochineal plants, 68.
 ipecacuanha and jalap, 71.
 orange, lime, and lemon, ib.
 the Commodore salutes the Vice-King, 68.
 State reception, 68-9.
 overwhelmed with civilities, ib.
 Phillip acts as interpreter, 69.
 spends £100 on presents, 70.
 but recollects that the Government had not been
 very liberal to him, ib.
 sends plants to Banks, ib.
 rams and sows in promising condition, ib.
 the ladies also, ib.
 arrives at the Cape, ib.
 Dutchmen refuse to sell flour or bread, ib.
 Phillip writes to the Governor and Council, ib.
 who take eight days to consider the matter, 71.
 and then grant his request, ib.
 live stock, plants, and seed, 71-2.
 buys stock on his own account, 72 and note.
 high prices, 72.
 sails from the Cape, 266.
 leaves the *Sirius* to go on board the *Supply*, ib.
 Hunter left in charge, 267.
 land in sight, ib.
 arrives at *Botany Bay*, ib.
 examines the bay at once, ib.
 determines to seek a better site, 268.
 sails in three boats for Broken Bay, 135 n, 268 n.
 looks into Port Jackson, 268 n.
 finds the finest harbour in the world, ib.
 encloses a rough survey in his despatch, 269, 326.
 fixes on a cove, ib.
 names it after Sydney, ib.
 why he chose it, 270-1.
 returns to Botany Bay, 269.
 describes the arrival of *La Pérouse*, ib.
 no personal communication between them, ib.
 sails in the *Supply* to Port Jackson, ib.
 the Fleet at anchor there, 262, 269.
 hoists the flag and drinks Success to the New
 Colony, 261.
 two friends, 185-6.
proclamation of the colony, 262.
 marines and convicts drawn up, ib.
 calls on Judge-Advocate to read Commission,
 Act of Parliament, and Letters Patent, ib.
 makes his first speech, 262-5.
 different versions of it, ib.

Phillip

a fictitious speech, 265 n.
 advises the convicts to marry, 264-5.
 does not attempt to regulate intercourse between
 the sexes, ib.
 order for prevention of disease, 266.
 and desertion of wives, ib.
 clearing the ground, 270.
 sends King to occupy Norfolk Island, 183, 271-2.
 Commission, 191 n.
 Instructions, 272, 527.
 convenes the first Criminal Court, ib.
 reprieves five men, ib.
 intends to exile them, ib.
 allows convict labour to the officers, 276-7.
 asks for instructions on that point, 277.
 proposes to barter for stock, ib.
 wants more females, ib.
 will not send to the islands for them, 277-8.
 describes the harbour, 279.
 country between the Cove and Botany Bay, ib.
 and Parramatta, ib.
 predicts a great future for the colony, 279, 280.
 trees, wild flowers, and wild vegetables, 280.
 sends seeds and grass to Banks, ib.
 asks the French botanists about the flax, ib.
 regrets his ignorance of botany, ib.
 "such a variety of plants," ib.
 stone and clay, ib.
exploration of the country, 134-69, 272, 287-91.
 his rank among explorers, 184.
 forgotten labours, ib.
 energy, 134 and note, 164-5.
 review of his work, 166-9.
 value of it, 168.
 difficulties encountered, 164, 167-8.
 suffering brought on by exposure, 305-6.
 explores Broken Bay, 136, 144-52, 272-3.
 describes it, 272-3.
 names Pittwater, 273.
 describes Norfolk Island, ib.
 discovery of Lord Howe Island, 274.
the Food question, 100, 275-6, 297, 309, 313-4,
 344-5.
 necessity for regular supplies, 275, 297, 309, 314.
 supplies sent in First Fleet, 309, 436, 491.
Sirius and *Supply* victualled from them, 335.
 result being that flour fell short in September, ib.
 sends *Sirius* to the Cape for flour, 351.
 difficulties in finding food, 275-6, 344-5.
 sends out fishing and shooting parties, 275, 509.
 prudent measures, 512.
 foresees the loss of a store-ship, 271 n, 276, 314.
 reduces the rations, 506.
 goes down the harbour to meet Lady Juliana, 250.
 gives up his own flour, 106.
the Native question, 119-83, 281-7, 290-1, 298,
 301-3, 321, 324, 342, 352.
 his interest in the natives, 119.
 descriptions of them, 119, 282-7, 290-1.

Phillip

determined not to fire on them, 231.
 first interview with them at Botany Bay, 232.
 meets them alone and unarmed, *ib.*
 King's account of the meeting, 122-3.
 reason of success in dealing with them, 120-3.
 first meeting with them at Port Jackson, 232.
 shows them how to boil a pot, *ib.*
 forms higher opinion of them, 232-3.
 names Manly Cove in their honour, 233.
 is speared there, 124.
 does not retaliate, 102.
 coolness and presence of mind, 123-4, 302.
 necessity for placing confidence in them, 302.
 captures Arabanoo, 120.
 puts him in a tub, *lx.*
 sits down to tea with him, 120.
 and dinner, 120 *n.*
 captures two other natives, 121.
 takes two natives on exploring tour, 157.
 keeps one at his house, *ib.*
 prohibits aggressive acts against them, 122, 101 *n.*
 orders flogging in their presence, 251.
 sets out to punish natives for murder, 301.
 surprises a large party on the coast, 302.
 makes friends with them, *ib.*
 sends Tench with fifty men to punish natives for murder, 236, 248.
 orders him to "cut off their heads," 236.
 convicts the aggressors, 125, 298, 301, 352.
 thinks natives confined to the sea-coast, 140-1, 239, 303, 320-1.
 estimates the population between Broken Bay and Botany Bay at 1,500, 287, 324.
 hopes to teach them how to cultivate, 119-20.
 instructions from the Government, 435.
 success of his plans, 121.
 refers to the small-pox among the natives, 523.
cultivation of the land, 137.
 instructed to cultivate immediately upon his landing, 483.
 difficulty of penetrating the country, 358.
 proceeds to search for good land at Botany Bay, 144, 267-8, 279.
 at Port Jackson, 270, 279.
 at Broken Bay, 137, 145, 272.
 at Shell Cove, 288.
 at Lake Narrabeen, 133, 288.
 at Pittwater, 147, 273.
 at Parramatta, 141, 279, 288-9.
 at the Hawkesbury, 145-6, 288.
 the first farm, 142, 351.
 the second, *ib.*
 cultivation by the officers, 271, 351.
 soldiers' gardens, 337.
 all the seed grain spoiled, 275, 317, 334-5, 345.
 corn raised in first two years kept for seed, 311.
 wheat failed at Norfolk Island, 335.
 Sirius sent to the Cape for flour, 335, 345.
 only one farmer, 351.

Phillip

who was his own servant, 351 *n.*
 "person going to India," 315.
 no botanist, 230.
 not even an intelligent gardener, *ib.*
 his farm labourers, 350.
 position on landing, 372.
 tools, 316, 346.
 no overseers, 316, 341, 351-2.
 educated villains, 346.
 plants and fruit trees thriving, 338.
 the cleared land in a flourishing state, 354.
 rich soil at Norfolk Island, 355.
 going to Rose Hill, 354, 356.
 experience as a country gentleman, 142.
 views on free settlement, 40, 315, 324-5, 328, 336, 341, 351, 372.
 and assignment, 325, 341.
conflicts with the military, 108-13, 292.
 officers decline to assist in managing the convicts, 108-9, 292-3, 314-5, 352-3.
 object to sit as members of the Criminal Court, 109-111, 113-4, 293, 412.
 want their grants of land at once, 109, 293.
 refuse to recognise Governor's warrant for holding a Court-martial, 116, 347-8.
 Phillip directs a Court of Inquiry to take evidence, 117, 347-8.
 the Court evades its duty, *ib.*
 Judge-Advocate directed to take evidence, 347.
 matter compromised, 347-9.
 Major Ross aggressive, 110-115, 417, 420, 425A.
 his official jealousy, 411, 420, 427A.
 pertinacity, 413, 415.
 and love of camp gossip, 421.
 Phillip's self-control, 118, 410, 420, 423A.
 the night-watch arrest a soldier, 112-3.
 Ross threatens to use the bayonet, 112.
 Campbell refuses to sit as a member of the Criminal Court, 410-5.
 dealt with by Phillip, *ib.*
 Campbell surrenders, 415.
 Phillip's interview with the officers, *ib.*
 they had no doubt about their duty, *ib.*
 but the Major had, *ib.*
 Phillip desires him to assemble the officers, *ib.*
 sends instructions by the adjutant, *ib.*
 officers assembled and examined, 416.
 they admit their duty, 416-7.
 Ross terms the Governor's conduct oppressive, 417.
 Phillip directs inquiries, 417-8.
 officers confirm the report, 418-9.
 and refer the Major to Phillip, 419.
 but Ross never mentioned it again, *ib.*
 he complains of an insult, 420-2.
 because a convict plasterer had received orders from the Governor through the Judge-Advocate, 421-2.
 requires an explanation, 422.
 Phillip replies, 423A.

Phillip

desires Ross to be a little more guarded, 424A.
and suggests mutual forbearance, ib.
the Major offers a vacancy to the Judge-Advocate, 425A.
reason for doing so, ib.
Phillip points out the serious consequences that might have followed, 426A.
Ross asks approval of a commission for his son, 427A.
which Phillip declines to give, ib.
but the son is appointed and presented to the Governor, ib, n.
source of the conflicts, 428A, 429A.
the marines recalled, ib.
mischief aggravated by subsequent measures, ib.
his letters and despatches, 98-9.
their interest and value, vi, ix, 99.
compared with Captain Smith of Virginia, vii.
literary deficiencies, 99 and note.
despatches written from a journal, 261.
first despatch from Sydney Cove, 266.
second, 296.
both received in London at same time, 296, 361.
third, 323.
fourth, 329.
fifth, 348.
sixth, 351.
seventh, 358.
eighth, 410.
ninth, 425A.
first letter to Nepean from Sydney Cove, 309.
second, 323.
third, 326.
fourth, 344.
letters describing his bad health, 306-6.
requesting leave to return, 306, 368.
interceding for his friends, 367.
character and qualifications, 94-107.
anxious attention to details connected with the expedition, lix, lx, 34, 37, 42-3, 47-8, 51, 62-7, 69, 94, 96.
the difficulties of his position, 34-6.
indifference to his own interests, 46-7, 106-7, 368.
regard for his friends, 187, 368.
prudence, sagacity, and foresight, 96, 100, 300.
sound judgment, 97, 143, 300, 333.
self-restraint under provocation, 102, 110, 118, 410, 420, 428A.
humanity, 102 and notes.
not responsible for severity of criminal law, 100-1, 104, 218, 220-8, 235.
impartiality in administering justice between natives and convicts, 46, 127-8, 243.
conscientious discharge of duty in the midst of difficulties and privations, 107, 323.
self-denial and patient endurance, 106-7, 513.
energy in exploration, 134.
firmness and decision, 113, 127, 411, 412, 420.
kindness toward the natives, 119-21, 253-4.
and the convicts, 102 and notes, 106, 304-5, 344-6.

Phillip

"the little plan," 108, 353.
tact, courage, and self-possession, 123-4, 420.
imputation of official jealousy unfounded, 427A.
his staff, 179-210, 520-2.
hampered by Major Ross, 180.
hospitalities at Government House, 198, 303.
and at Rose Hill, 199.
an attentive host, ib.
French cook, 303.
sends a kangaroo to Sydney, 329.
and birds to Lady Chatham, ib.
good spirits, 136, 363.
physical suffering, 305-6.
review of his first year's work, 357.
his plan of the town of Sydney, 298-300.
designed to prevent narrow streets, 300.
intends to build a place of worship, 339.
return to England, 205, 306.
the captain of the *Swiftsure*, 493.
the old Admiral, liv, 138.
biographical sketch, 94, 495-9.

Pitt

his Ministry, i, 561.
calls for statement of expenditure in connection with the First Fleet, 469.
no other trace of his hand, 470.
no evidence of having taken active part in colonisation of New South Wales, 381-3.
not a social reformer, 58-9, 233, 332.
speech on Botany Bay, 386.
on transportation to Africa, 493, 495.

Pittwater

discovered and named by Phillip, 137, 273.
Phillip camped at, 146.
walk from Port Jackson to, 147.
Hunter's description of a walk from Pittwater to Sydney Cove, 152, 518.
good land for cultivation, 341.

Port Jackson

examined by Phillip, 135.
his opinion of it, 136, 268, 279.
not the port he intended to steer for when leaving Botany Bay, 136 n, 268 n.
the First Fleet sailing in, 513.
"the Supply amongst the trees," ib.
described by an officer of the *Sirius*, ib.
danger of being lost among the coves, 153 n.
lost in the bush near *Sirius* Cove, 519.
the first flagstaff and look-out station at South Head, 182, 510.
surveyed by Hunter, 181.
survey sent by Phillip, 269, 326.

Prospect Hill

named by Phillip, 150.

Provost-Marshal

appointed under Act of Parliament, 455.
and Letters Patent, 535.

Provost-Marshal

duties, *ib.*
 left behind when the Fleet sailed, 60.
 deputy appointed by Phillip at sea, 61.
 a military title, 317.

Quiros

publication of his voyage, xxv, 566, 572-3-6.
 supposed discovery of east coast shown on the charts, xxix, xxx.
 error corrected by Cook, xxi.
 Callander's statement of his discovery, xxx, xxxv.
 Cook's impression with respect to Quiros and the southern continent, xxxviii.
 the last of the great Spanish sailors, xxxix.
 the only navigator who sailed direct for Terra Australis, *ib.*
 long regarded as discoverer of New Holland, *ib.*
 the east coast as shown on the French charts, xxvii, xxix, 90 n.
 error pointed out by Cook, xxx, 90 n.
 account given by Flinders of Q.'s discovery, *ib.*
 name given by Quiros, xxxiv, 90.
 supposed reasons for it, 90 n.
 translated by Dalrymple "the Australia del Espiritu Santo," 90.
 who followed Hakluyt, *ib.*
 later geographers misled by them xxx, xxxiv.
 not the originator of the name Australia, 91.

Religion

appointment of a chaplain suggested, 433.
 Phillip instructed to enforce, 485.
 and to celebrate public worship, 496.
 provision for the purpose, 58, 339.
 the first chaplain, 58, 520.
 how he was appointed, 54 n.
 wants an order for a few Parish things, 520 n.
 his stipend, 339.
 the first church, 58, 339.
 Phillip proposes to build a church, 338.
 never built, 339.
 reason, *ib.*
 two Roman Catholic priests volunteer, 54-6.
 apply for their passage only, 56.
 letter from one of them, 55.
 not answered, *ib.*
 three hundred Roman Catholics in the Fleet, 55.
 official indifference to religious matters, 56-9.
 its consequences, *ib.*, 429A.
 the Rev. Richard Johnson and his farm, 520 n.
 his Address to the Inhabitants, 583.
 the Rev. Samuel Marsden, 79.
 letter to Banks, *ib.*

Richmond Hill

discovered and named by Phillip, 149, 150.
 Tench's first view of it, 159.
 encounter with the natives there, 163.

Rio de Janeiro

arrival of the Fleet, 63.
 hospitality of the Portuguese, 63-4, 66, 68-9.
 Phillip in the Portuguese navy, 64, 496.
 knowledge of the language, 64, 69.
 his reception compared with Cook's, 64.
 purchase of rum, 65-6.
 seeds and plants, 70.
 harbour compared with Port Jackson, 136.

Rose Hill

discovered and named by Phillip, 142.
 settlement, 142 and note.
 successful, 142-3, 354.
 Phillip's house, 199, 354.
 the Crescent, 199 n.
 Phillip's description, 336, 354, 356.

Ross

Major-Commandant of marines, 105, 521.
 Lieutenant-Governor, 105, 520.
 Judge of the Vice-Admiralty Court, 529.
 no instructions to ensure his subordination, 36, 110, 428A.
 persistent endeavours to embarrass the Governor, 105-18.
 letters abusing Phillip and the country, 106.
 twits him with being absent from duty on "parties of pleasure," 305.
 declines to assist in exercising moral control over the convicts, 108-9, 292, 314-5, 252.
 instigates the officers to object to sit as members of the Criminal Court, 109, 110, 114, 293, 403.
 desired by Phillip to assemble officers in order to take their opinions, 111, 415.
 the result, *ib.*
 threatens to use the bayonet, if soldiers arrested by night-watch, 112.
 compels Phillip to modify his order, *ib.*
 promises to strain every nerve in performing his duty, 114.
 quarrels with the Judge-Advocate, 115.
 with the adjutant and quarter-master, *ib.*
 places five members of a court-martial under arrest for not altering their sentence, 115, 293-4, 347-9.
 applies for court-martial on a charge of disrespect, 116, 347.
 withdraws the charge, 117, 349.
 takes part in the quarrel between Campbell and Collins, 403, 410-3.
 friendship for Campbell, 110 n, 403, 503.
 snubs the Judge-Advocate, 414.
 probable reason, 426A.
 accuses Phillip of oppressive conduct, 417.
 called to account, 417-9.
 official jealousy, 420.
 complains of an insult, 421.
 on bad terms with Phillip, 423A.
 desired to be a little more guarded, 424A.
 offers promotion to the Judge-Advocate, 425A.
 reason alleged, *ib.*
 probable reason, *ib.*

Ross

promotes his son, 427A.
and presents him to the Governor, *ib.*
mainspring of his conduct, 428A.
source of dissension, *ib.*
sent to Norfolk Island, 118, 200.
proclaims martial law, 200.
method of proceeding, 202-4.
leaves the island, 206.
no desire to remain in the country, 337, 501.

Rum

bought at Rio for use of the garrison, 63-6.
marine caught by King stealing rum, 191.
three dozen, 192.
convict boy caught three days afterwards, *ib.*
one hundred, *ib.*
the only drink, 345.

Ships

Phillip instructed to prevent "every sort of intercourse" between the settlement and foreign ports, 487.
no craft of any sort to be built, *ib.*
no ship arriving in port to have intercourse with the people on shore, *ib.*
King instructed to same effect, 528.
ships in the First Fleet, 489-91, 521.
hove down in Sydney Cove, 297.
clearing for China, 274, 291, 297 n.
returning to England, 355.
the route home, 326.
voyage of the Alexander, 328 n.
the first flagstaff and look-out station, 182.
watching for a ship, 250.
"the flag's up," *ib.*
boarding the Lady Juliana, 251.
her cargo, 278.
dining on board the Boussole, 187.
navigating a Dutch ship from Batavia, 193.
passage in a French frigate declined, *ib.*
arrival of the Gorgon, 197.
Dutch ship chartered, 184.
thirteen months' voyage to England, 185.

Start

the great central desert, lxxx, lxxxiv.
his expeditions, *ib.*

Sydney

Home Secretary, 2 n, 561-2.
succeeded by Grenville, 561-2.
conversation with Matra, xlix, 2, 428.
thinks New South Wales a very proper place for convicts, *ib.*
receives a letter from Pepper Arden, introducing Sir George Young's scheme, 5.
instructs the Treasury to provide ships for transportation of convicts, 8, 22, 435.
and the Admiralty, 437.
rejects proposals for sending out American loyalists, xlix, 10, 370.

Sydney

probable reasons, 374, 381.
not the originator of the colony, 369.
Matra's proposals adopted by him, 8, 10, 369.
management of the Expedition left entirely in his hands, 383.
prominent defects of the scheme, 34-7, 428A.
accounted for, lxi, 361, 383.
sends no reply to letter from Roman Catholic priest volunteering services as chaplain, 54.
sends no reply to Phillip's despatches, 363.
sends no store-ship in 1788, 302, 361.
probable reason, 362.
ignores Phillip's protest against more convicts being sent out, 365.
determines to clear the gaols again, *ib.*
ignores Phillip's request for free settlers, *ib.*
directs twenty-five convict artificers and farmers, and eight or ten free overseers, to be sent 366.
resigns office, 367.
his last official letter, 365-7.
character as a statesman, xlix, 367, 383 n.
figures in RETALIATION, 384 n.
letter about "our friend Phillip," 367-8.
Collins' dedication, 369, 379.

Sydney Cove

sketch, 252.
plan, 298.
selected by Phillip, 97, 269.
why, 269, 271.
named by him, *ib.*
arrangement of the camp, 298, 420-1.
clearing the ground, 270, 337.
Tench's description, 246.
Mrs. Parker's, 197.
trees, plants, and wild vegetables, 280, 337, 344.
weather in February, 271.
and in May, 291.
building hospital and store-houses, 271, 296.
hutting the soldiers, 296.
ships hove down to repair sheathing, 297.
first plan of a town, 296-9.
parade, 299 and sketch.
Governor's house, *ib.*, 506.
Lieutenant-Governor's, *ib.*
convicts' huts and soldiers' barracks, 300 and plan, 337.
officers' houses, 336-7.
marquées, 506.
Observatory, 300.
Government House, *ib.*
Courts, *ib.*
streets, *ib.*
hospital, 300, 337, 505.
store-houses, *ib.*
cellar for spirits, 335.
place of worship, 338-9.
celebrating the first birthday, 303.
salutes from men-of-war, *ib.*
review of troops, *ib.*

Sydney Cove

leave and dinner at Government House, *ib.*
 Phillip's intention to name the town, *ib.*
 earthquake, 306.
 climate, 307.
 thatched roofs, 311.
 cultivation, 311, 337, 505, 509.
 state of the hospital, 322, 335, 345.
 shoe-leather wanted, 323.
 no thread to mend the clothing, 323, 346.
 people in rage, 344.
 rations, *ib.*
 lead, copper, red paint, and white clay, 330-340.
 a slate quarry, 340.
 no limestone, 338.
 deserted for Rose Hill, 354.
 effect produced by Bligh's boat voyage, 172 n.
 panic, 249, 360.
 letters from, 499-514.

Tasman

publication of his voyages, xxv, 573, 576.
 second voyage unknown in 1756, xxviii, xxxv.
 his instructions, xxxii n, xxxiv, 572.
 copy obtained by Banks, 58.
 west coast of the unknown continent supposed
 to have been seen by him, xxxv.
 Cook's reference to his first voyage, 175.
 proved New Zealand separated by sea from
 mainland, xxix, xxxv.
 "the land of Diemen," xxix.
 supposed to form part of New Holland, xxxv.
 the South Cape, 28 n.
 Tasman's Head, 313.
 Tasman's station, 176.

Tench

Captain-Lieutenant, 521.
 Narrative of the Expedition, 244, 580.
 describes the First Fleet off the coast, 184.
 the French ships off Botany Bay, 245.
 first meeting with the natives, *ib.*
 camp at Sydney Cove, 245.
 the face of the country, 198 n.
 Complete Account, 247, 584.
 describes Phillip giving orders for military ex-
 pedition against the natives, 127, 248.
 panic at Sydney Cove, 249.
 dropping dead in the street, 249-50.
 watching for a ship, 250.
 a ship in sight, *ib.*
 marines in tears, *ib.*
 boarding the Lady Juliana, 250-1.
 astonishing the natives, 251.
 Blue Mountains, 153.
 discovers the Nepean, 154-5-6.
 joins Phillip's expedition to the mountains, 157.
 Péron's account of Tench's trip, 157 n.
 praises honesty and kindness of natives, 163.
 opinion of their intelligence, 164.
 notes their faculty for music, 121 n.

Tench

their powers of mimicry, 303 n.
 sets out in search of a river, 165.
 winter scene, 166.
 dinner party at Government House, 120 n.
 effect produced by Bligh's boat voyage, 172 n.
 the six marines, 209.
 pathetic letter, 191, 525.
 account of Bryant's escape to Timor, 172-3.
 opinion on the question whether officers bound
 to sit as members of the Criminal Court, 416.
 account of Major Ross's conduct, 418-9.
 placed under arrest, 294.
 Prospect Hill named after him, 244 n.
 and an island, *ib.*

Terra Australis

theory of the southern continent, xxxvi.
 map, xxxvi.
 described in Frobiisher, *ib.*
 in Purchas, xxvii, xxviii.
 Burney's account, *ib.*
 poetic description, xxxix.
 de Quiros not the author of the theory, xxxviii.
 but the only one among the early navigators who
 sailed direct for Terra Australis, xxxix.
 theory revived by de Brosses, 178 n.
 and Dalrymple, xxviii, 178 n.
 exploded by Cook, xxviii.
 name improperly applied to New Holland, xxxi,
 86.
 by Flinders, xxxii, 86 n.
 by Dampier, xxx, xxxv.
 by Burney, xxxiv, xxxvi.
 not applied to New Holland by Cook, xxxiii.
 nor by his contemporaries, *ib.*
 nor by the Dutch, xxxiv.
 nor by the French, *ib.*
 main object of Cook's first voyage, xxxi, 178 n.
 and his second, xxxvi, 173.
 Flinders attempts to revive the name, 89.
 his charts, *ib.*
 title of his work, *ib.*
 modern variations of the name, *ib.*

Torres

track through the Straits made known by Dal-
 rymple, xxvii, xxviii, 172.
 Straits shown on de Brosses' charts, xxviii.
 referred to by Cook, xxviii n.

Transportation

employment of convicts in founding colonies
 general among European nations, 12.
 reasons, 13-14, 373, 387.
 arguments used in support of it, 14.
 commencement and cessation, 14, 20, 21.
 earliest instances of its use in England, 14, 444.
 selling convicts, *ib.*, 15.
 assignment, 15 and note.
 to the American colonies, 16-21.
 to the West Indies, 17.

Transportation

- to Africa, 22, 423, 491-5.
- estimate of number transported to America, 18.
- difficulty of obtaining information, 19 n.
- disappearance of convict element from American society, 19-20.
- and Australian, lxxii, 20, 430A.
- Orders-in-Council appointing Africa, 495.
- Burke's protest against the proposal, 73, 491-4.
- proposal abandoned, 22, 73-4.
- Order-in-Council appointing New South Wales, 451.
- official letters directing equipment of ships for Botany Bay, 22, 435.
- the King's speech, 23.
- Act of Parliament establishing the colony, 453.
- legal history of the system, 442-451.
- moral objections to it not recognised, 335-7.
- some of its evil results, 216, 266, 277, 300, 372, 389, 430A.
- statistics, 463-5.

Trial by Jury

- denied to colonists, 389-92.
- when conceded, 390 and note.
- the "six men of honour," 216-7.
- the seven men of honour, 390-5, 396 n, 397.
- Bigge's opinion of the military jurors, 392, 398.
- the colonists' opinion, 391.
- Wentworth's, 394.
- Chief Justice Forbes', 394.
- common law jury introduced by Forbes, 394-5.
- extinguished by Act of Parliament, 395.
- contrast between trials in the Supreme Court and trials at the Sessions, lb.
- jurors in the pay of the Crown, 216, 396.
- jurors and judge sitting together, 396, 407 and note, 408.
- secret deliberations, 397-8.
- the first public trials, 398.
- historical parallel, 399.
- case of Mary Turner, 400-7.
- the judge and the jurymen, 401-6.

Vancover

- Voyage of Discovery, 539.
- discovered and named King George's Sound, 174.
- abandoned exploration of southern coast, lb.
- opinion as to food supply of natives, 141 n.

Van Diemen's Land

- chart published in 1787, 86.
- discovered and named by Tasman, 28 n.
- Cox Bight, Oyster Bay, and Matilda Bay 170.
- Bligh in Adventure Bay, 171.

Van Diemen's Land

- D'Entrecasteaux in Storm Bay, 174.
- his surveys, lb.
- straits unknown in 1768, xxix.
- Furneaux's opinion about them, 174, 176.
- accepted by the geographers, 176.
- Cook's opinion, 175.
- Hunter's, 183-4.
- confirmed by Bass, lb.
- "the long wished-for shores," 184.
- the passage to England, 326.

Wentworth

- Description of New South Wales, 601.
- introduction of the name Australia, 87.
- discovery of New Holland, 90 n.
- the Courts of Law in 1819, 390, 393.
- punishment of convicts, 393.
- the cattle thieves, 393 n.
- the Judge-Advocate's Court, 394.

Westall

- draftsman on board the Investigator, lxxii.
- letter to Banks, lxxiii.
- impressions of Australian scenery, lb.

Whaling

- no mention of whales until 1791, 373 n.
- except in Dampier, 374 n.
- plentiful in Phillip's time, 373 n.
- first proposal to start a whale fishery, lb.

White

- Surgeon-General, 522.
- Journal of a Voyage, 246, 582.
- describes Phillip's reception at Rio, 63.
- the women in the First Fleet, 277.
- the ships safe in Botany Bay, 95.
- "the finest harbour in the universe," 99 n.
- "the fatal tree," 103 n.
- Phillip's first speech, 264 n.
- figures cut on the rocks, 290 n.
- King George's birthday, 304.
- Phillip's acts of mercy, 305.
- "the torture which he suffered," lb.
- the state of the hospital, 322-3 and note.
- gum-trees at Sydney Cove, 337 n.
- wild vegetables, 338 n.
- joins Phillip on his expeditions, 144-5, 157.
- collects specimens, 145.
- letter from Sydney Cove, 506.
- curse the country, 107, 507.
- quotes a French epigram on Norfolk Island, lb.
- return to England, 521 n.

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49

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